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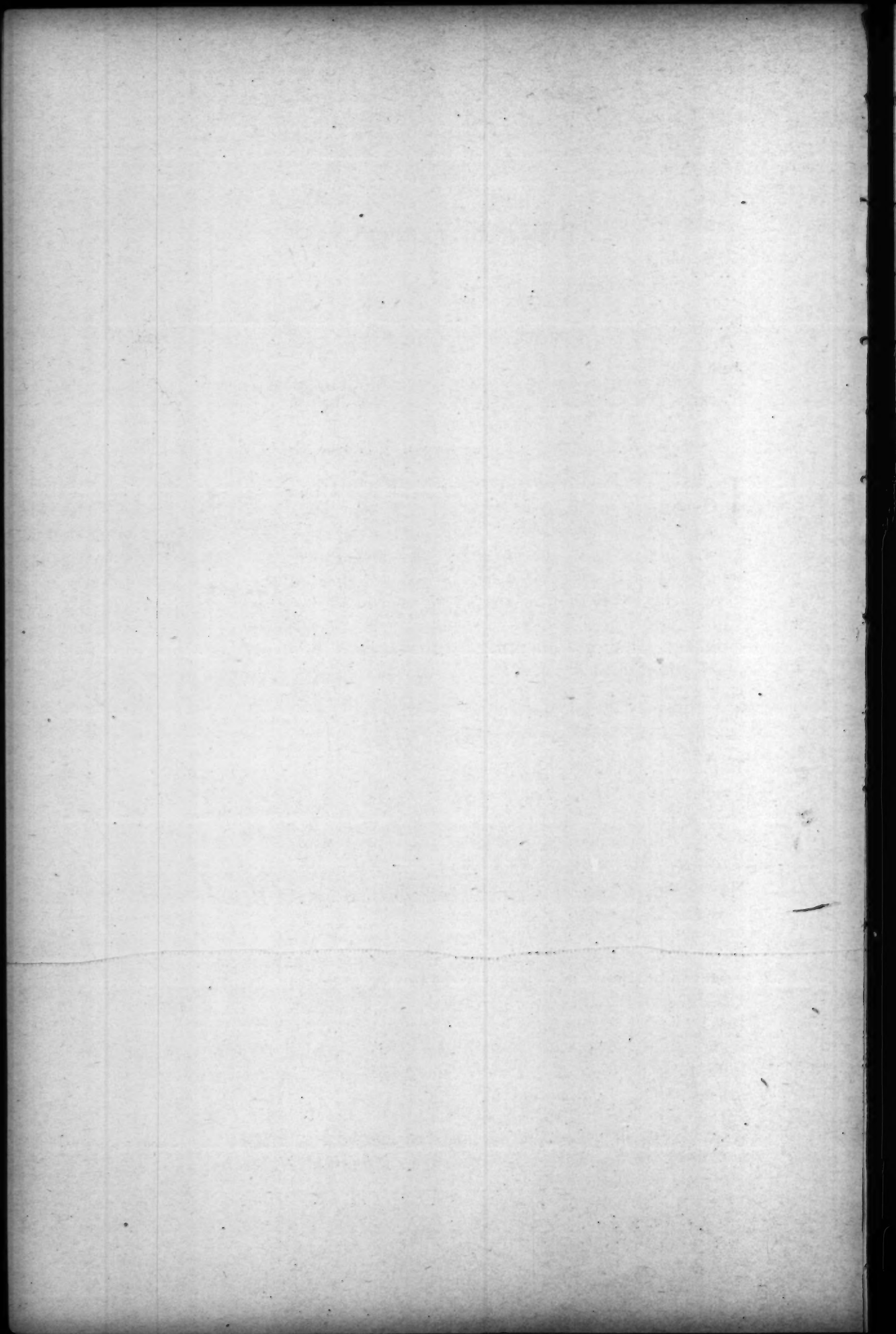
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THE LAST DAYS OF CHARLES GAYARRE.

By John Smith Kendall

IN THE last decade of the nineteenth century, the heart of New Orleans' French Quarter was, in a very special and personal sense, at the intersection of Prieur and Kerlerec streets. The geography of the French Quarter has altered since that date. One who wishes to locate its center now would undoubtedly find it in a very different part of that curious, romantic, old-world region which constitutes the city's one valid title to fame. But, in that long ago time, the junction of Prieur and Kerlerec was much more than a bit of real estate—it was a place of pilgrimage, a sort of literary shrine, a point at which certain fine old New Orleans traditions converged.

It was a curious spot. It lay but a stone's throw away from Esplanade Avenue, yet the difference was striking. Esplanade, lined with stately homes, and with the thick foliage of noble trees shadowing the roadway even at noonday, was a fashionable boulevard. But the streets beyond Esplanade dribbled off in outlandish no-thoroughfares, fringed with tiny houses, gabled, balconied and antique, where life suddenly slowed down, and people walked meditatively, and the only strident sound was the voice of children at play. There, in spring time, the vines grew up lovingly around the little houses, wreathing the casements with green tendrils, and when the blossoms appeared in May, they filled the air with intoxicating perfumes. In winter, however, the leaves fell, and the wind blew them merrily along the sidewalks and swept them into little heaps, which often remained long after Springtime had returned. As one sauntered along the street and with heedless foot disturbed their rest, it seemed a sort of impiety to plough through their brown, soft masses. They were like everything else in this forgotten neighborhood—gath-

ered into a retirement which seemed purposeful, upon which no one had the right to intrude.

Improvement made a long detour about the vicinity. Year after year it remained just as it had been in the days before the Civil War. One or two new buildings had been erected there, no doubt, but they had been finished long before, and the weather had stained them with the dull hue of age, till their newness was no longer perceptible amidst the drab antiquity of their neighbors. Both Prieur and Kerlerec were unpaved, but the brick sidewalks, with their queer little shallow gutters running from umbrageous front yards and emptying into stagnant ditches, had a fringe of grass to divide them from the slough of black mud which was the roadway. It rained then in New Orleans at the end of the year, just as it does nowadays, and these back streets became quagmires through which no traffic attempted to pass. The thin coating of slime which formed on the little bridges across the gutters at the street corners stayed there long after the rain had ceased.

But there was a poetic atmosphere which never departed from the vicinity. The sky had a blueness and laughing beauty which, I used to fancy, it did not show elsewhere in New Orleans. One looked up through the branches of the trees—there were plenty of them in both of those queer, old-fashioned streets, although probably not so many as in Esplanade, nor did they grow in the same orderly manner as they did around the corner, there, where life still went on briskly and gaily—and caught glimpses of azure, glinting through the verdure like a flock of blue birds. It was an ideal place for a poet to make his home. One could hardly have chosen a fitter spot where some veteran of the pen could come to end his days in congenial quiet.

These were the thoughts which rose, naturally enough, in my mind when, one afternoon in the autumn of 1894, I rang the bell of No. 267 Prieur street. This was the home of Charles Gayarré, the historian. I was then a boy-reporter on the staff of the old New Orleans "Picayune," and had been commissioned by a vigilant city-editor to interview the venerable author, whose career was drawing to a close. It was, in fact, the last time that Gayarré gave out an interview to the press. Thereafter his health, already exceedingly precarious, failed fast, and some six months later I was called upon to prepare for the "Picayune" an account of his death.

Gayarré was very old. At the great age of eighty-nine it is a man's privilege to lay aside the labors of a life and permit himself the rest which a long career of distinguished effort merits. This was what Gayarré probably felt, when he picked out this tiny cottage, and ten or eleven years prior to the afternoon in question, came to this romantic section of the city to finish the remnant of his days among the people whom his pen had made immortal. I rang, and soon a trim young colored maid opened the door and ushered me into the dimly lighted interior.

It was very quiet. On the walls of the sitting-room the dim portraits of family heroes stared grimly down at the intruder. There were multitudes of books. The cases along the sides of the room were filled with them. They overflowed onto tables and chairs. Most of them were "With the compliments of the author." Some of them were dedicated to "Cher Maître." There was hardly an author of prominence in the country of the period immediately following the Civil War who was not represented in the collection; certainly none who wrote here in Louisiana.

During the closing months of 1894 Gayarré scarcely left this room. His desk drawn up under the window was littered with the paraphernalia of literary work, but the ink was dry in the bottle, and the pen lay rusty on the rack. Never again would the owner sit there to do what he only could do. All day long he lay wrapped in a warm coverlet. The leather-seated chair in which, years before, he sat to work at his history, was still drawn up near the desk. Sometimes, when he felt exceptionally well, he resumed his position there, toyed with the writing implements, and with infinite slowness traced a line, but it was merely the last expiring impulse of a lifetime's habit.

It was in the fag end of the evening. In the apartment the light was already growing pale. Gayarré lifted himself from the couch to welcome me. His fine face was worn and shrunk; infinite wrinkles were scrolled around his eyes, and the patient lips had a tired droop that was full of patience and suggestion.

"Glad to see you?" he repeated. "Of course I am. The world seldom gets in here now, and I—I never go out to see it."

He extended a trembling hand. It was with an infinitely pitiable smile that he watched its trembling.

"My day is over," he said. "I can never work again. Indeed, there is little inducement to live. My contemporaries have all departed into the great unknown. It seems but a few months ago

when I used to go to Canal street, and everyone I saw was either a friend or an acquaintance. The last time I walked there everybody bowed and I returned their salutations, but none of the faces were familiar, and I felt that it was not me that they saluted, but the tradition which associates me with the past.

"As you see, I cannot write. My hand shakes too much for me any longer to make use of the pen. I have to hold the right wrist fast with my left hand when I make the attempt. Alas, it always results disastrously! A word or two—then I must desist."

"But you dictate?" I ventured.

"No. The sound of my voice seems strange in my ears. It upsets me to hear it vainly struggling to give literary expression to the ideas which nowadays come more and more slowly. In fact, age has deranged my nerves so much that I can no longer endure to hear my patient wife read to me. Literary work demands concentration of thought, and that fatigues me immediately.

"In this enforced quietude my days pass slowly, but filled with many thoughts. The affairs of the world have little claim upon me now. Death is so near that at times I seem to feel the cold shadow of its presence enveloping me."

"But surely the recollection of your splendid past cheers you?"

"That is cold comfort. What is past is gone forever. What is to come is to me a mystery, the solution of which involves the last tremendous change. I can hardly hear now," said the old man, leaning a pathetic ear closer toward me. "And I can scarcely see."

The talk turned on the date of the publication of Gayarré's first book. Then he referred to his ancestor, DeBoré, who he said was the first man in Louisiana to make cane sugar. Gayarré had recently written an article about that experiment for Harper's Magazine. He asked for a copy of a biographical sketch of himself which, he remarked, had been written by T. C. Wharton and printed in pamphlet form. This contained a list of his writings. When it was brought he opened it and bent his face down till it almost touched the page in a vain effort to distinguish the words. Very slowly he deciphered a sentence. Then, wearied with this slight exertion, he fell back upon the couch, sighing.

As I was taking my leave, the old gentleman, as a souvenir of the interview, wished to give me his autograph. Rising, he

asked me to assist him to the writing table. He scribbled on the fly-leaf of the pamphlet his name and the date.

"I would like to write more," he said, handing the booklet to me, "but it is impossible. Do you know any one who remembers me?"

I assured him that I knew many such.

"Then take them the compliments of a man who must soon die."

I saw Gayarré no more in life. Fate willed that the next time I should look upon his face, it should be still in death. I was, however, a witness of the last few years of his career, passed in obscurity, if not in actual want. There was always a small group of faithful friends who made a practice of visiting his cottage and trying to cheer with their homage the gloom that brooded upon the tiny home. That is why I have felt at liberty to say, at the beginning of this article, that the place was a place of pilgrimage. As long as the greatest of Louisiana historians dwelt there, Prieur and Kerlerec streets ran together at the most significant point in the French Quarter; for Gayarré certainly was the tutelary genius of that part of New Orleans, and where he was, was its center in the deepest sense of that much-abused word.

Gayarré's temperament was singular in its compositeness. He had in almost equal degrees the judicial calmness and impartiality of mind which become the juriconsult, and the poetic and inspired insight of the veritable historian. His life spanned almost the entire century, and covered almost every important event that transpired in this city after the close of the French domination. He witnessed Jackson's meteoric advent into the city in 1814; he was present at the unveiling of the monument which was dedicated to commemorate that advent; he saw the events which preceded the awful drama of the civil war; and he shared the bitterness of defeat and reconstruction. In this sense he had a two-fold claim to the reverence and affection of all true Louisianians—a claim outside of and different from that which his graphic relation of the state's history necessarily demanded. His loss widened abruptly and significantly the breach separating the past, with its glories and its sorrows, from the present, with its achievements and its promise.

The claim which Charles Gayarré had to genius was not dependent solely on his fame as an historian. It lay in his temperament as well. And though his bent as a chronicler of his own and

earlier times might perhaps have been discovered by a sudden turning of his talent into those channels, rather than by the "involuntary force" of any inborn or long-standing purpose once the decision made and the task begun, it was pursued with an affection and sensitiveness that places his writings far above undertakings of mere talent.

So much has been written and copied and recopied about his life that even a brief biography would be out of place here. It is only in seeking to revisit some of the scenes which were familiar to him, perhaps to invest a few faded relics of architecture with a recollection of his wonted presence, that one realizes with something of a shock how much of his past life is now only to be found on the tablets his own hand has marked and left us. A man of no more than middle age might easily remember Charles Gayarré, but long before his death the place where he was born and spent the rich days of his childhood was as completely obliterated as the habitations of the aborigines that antedated it in New Orleans by two centuries. You will look in vain for the Lefort house, where the importance of the English word "the" was so painfully impressed upon his childish mind. The College of Orleans, that bent more carefully the youthful bough, has long since given way to the Church of St. Augustin. The Boré town house, which once stood at the corner of Conti and Chartres, identified with his early life no less than the plantation, was replaced during his lifetime with a building that resembled a "shrimp rampant," as he expressed it. Most of the houses, even, where he was accustomed to visit have disappeared. That of Madam Porée, at the corner of Dumaine and Royal, from the balcony of which as a boy of ten he waved to Plauché's Battalion, the flower of New Orleans' youth, as it swung down the street on its way to the fields of Chalmette, is gone even like the rest. But the house on North Prieur, where he passed away in 1895, still stands and is in no immediate danger of destruction.

"'A change has come over the spirit of my dream,'" he quoted once, on finding himself the last leaf on the tree. "The scenes I have witnessed, the things I have seen have vanished forever. There is not a vestige, not a wreck's fragment, left of the Boré Plantation, save myself, standing alone in the arid and parched wilderness of the past, forgotten, but trying in vain to forget, and to close my eyes to the shapeless shadows that beckon me away."

The character of Charles Gayarré was, perhaps, not above reproach. In his youth he let himself fall into the free-and-easy manners of his time, and there is the piteous story of a mulatto child whose birth was not sanctioned by the church, and whose arrival in the world broke up the great romance of its father's life. In his later days he married an estimable lady, whose fortune slipped through his fingers in a vain effort to use it productively in a sort of private banking-business. But in all essentials Gayarré tried according to his lights to uphold every high, traditional trait that belongs to noble descent. His integrity was relied on as implicitly by his foes as it was taken for granted by his friends. It is a remarkable tribute that as a politician he escaped the vituperation of opponents that almost universally falls alike on the just and unjust; and another, that in spite of his own pronounced views, he was selected in 1877 by the editor of the *North American Review* as one who was qualified and could be trusted to state fairly the "Southern Question" during the Reconstruction period, and that as impartial narrator of facts he was acceptable alike to the leaders of both political extremes.

In appearance he was a sturdy figure of medium size, holding himself very erect with a touch of hauteur. His countenance in repose was serious and dignified, but in conversation animated and expressive. As an orator he was persuasive and eloquent, speaking with full, rich tones, choosing his words with faultless care and enunciating them clearly and distinctly, whether he spoke in English, French or Spanish—languages which were equally at his command.

It would have been strange indeed if some of the old time courtliness of manner, instilled in youth, had not clung to him through life. He was markedly a "gentleman of the old regime," and lived to see the disappearance from social life in New Orleans of almost all the gracious customs of his time. The profound influence which his grandfather, the "old Mousquetaire," Étienne de Boré, had upon him was not lost at that old soldier's death. Not only had the grandsire blazed a path that the grandson could not do better than follow, but calling him to his death-bed the old gentleman expended his last breath in affectionate instructions as to how to find the way, and Charles Etienne Gayarré followed them as well as he knew how.

"Let no temptation betray you out of the path of honor and virtue," said the dying de Boré, laying his hand on the boy's head.

"Keep your conscience always free from self reproach, so that your death may be as calm as mine. * * * Farewell; let your motto in this world ever be: 'Sans peur et sans reproche.'"

Throughout his career Gayarré was interested in politics, and down to 1867, when he was defeated for the United States Senate, took an important part in public affairs in Louisiana. After that date, however, he withdrew from all such activities, although accepting at least one non-political post as reporter of the decisions of the State Supreme Court. He occupied himself more and more with literary tasks. So long as his health permitted, Gayarré was in the habit of lecturing every year in New Orleans. His delightful addresses on the Crusades, under the auspices of the Tulane University, will be recalled with pleasure by those who had the good fortune to hear them in 1886 and 1887. But it was as an historian that Gayarré left the deepest and most abiding impression. Before he was for the first time appointed secretary of State, he had been engaged in composing in French a history of Louisiana. The first edition of this work was printed in 1846, in two volumes. A second edition was issued by Magne & Weisse, then proprietors of the Bee, this work was subsequently elaborated into four large volumes, in English, brought the story of the state down to the time when she seceded from the union in 1861. In this form it was eventually published in New York. The second edition appeared in 1885, issued by Armand Hawkins. A third edition was issued some time after Gayarré's death, by F. F. Hansell & Bro. of New Orleans.

Gayarré also wrote "The Influence of the Mechanic Arts on the Destinies of the Human Race," printed in New York by John Wiley. Of this book Lieutenant Maury wrote in very flattering terms. The "School for Politics" was a dramatic publication of a satiric intent, not intended for the stage. It was printed by Appleton, and largely quoted in Claudio Janet's work on this country.

During the Civil War Gayarré wrote and published "Dr. Bluff, or the American Doctor in Russia," a comedy in two acts. "The History of Phillip the Second, of Spain," appeared in 1886, through Middleton & Co., of New York. "Fernando de Lemos, or Truth and Fiction," a semi-novel, of great merit, was published by Carleton & Co., in 1872. In connection with the restoration of the Independence Hall, Philadelphia, Gayarré wrote a biographical sketch of John Rutledge. In 1882 Osgood & Co., of Boston,

published "Albert Dubayet, or the Two Sister Republics." This was a sequel to Fernando de Lemos, and dealt with French politics about the time of the American revolution. It is thought to be a novel of high value.

Gayarré also contributed extensively to magazine literature, among his productions being a sketch of Lafitte, in the *Magazine of American History*, and an account of Washington's surrender at Fort Mifflin, in Frank Leslie's. An extensive review of Roman's life of Beauregard appeared in the *Southern Historical papers* in 1884. In the *Southern Bivouac* he published two articles, one on "Seward and the Reconstruction of the Southern States," and the other on "Lafitte at Galveston." He contributed sketches of old New Orleans, its bar, its streets, and its sugar industry, to *Harper's Magazine*, and published a host of minor compositions in the daily newspapers of the city. Among the latter the most important, from Gayarré's own point of view, was a review of Cable's "Freedman's Case in Equity." So sweeping was his condemnation of Cable's essay that his friends conferred upon Gayarré the title of "Champion of the South." He regarded Cable as having betrayed his native land, and was not content to denounce him in the public prints, but, on one occasion, when they came face to face at the home of a mutual friend, refused to shake the younger writer's proffered hand, and turned away with a stinging contemptuous remark. In this he reflected the feeling general then in Creole New Orleans—a feeling which time has since softened to the vanishing point.

Gayarré's literary activities brought him into contact with many of the great American authors of his time, notably George Bancroft, Francis Parkman, Prescott, Oliver Wendell Holmes, James Fenimore Cooper, Longfellow, Evarts, Duykinck, Loring, Gilmore Sims, Paul Hamilton Hayne, and Lyman Draper. These men recognized the transcendent merits of his work. Their letters of commendation were among Gayarré's most cherished possessions. They constituted a valuable item in his small estate. Most of them eventually found their way into the keeping of Miss Grace King.

In any account of the life of the distinguished author, it should be said that Gayarré contracted with Hiram Powers, the sculptor, for the famous statue of Washington which, for many years stood in the rotunda of the Louisiana state capitol in Baton Rouge, but was destroyed by the fire which consumed that build-

ing, about the year 1862. He was a member of the committee which erected the equestrian statue of Jackson in Jackson Square, in New Orleans. He published an interesting pamphlet on behalf of the committee, in an effort to raise the funds needed for the completion of the work. He supervised the actual details of the construction. Gayarré was the last surviving member of the committee which was entrusted with the duty of erecting at Chalmette the monument commemorating the battle of 1815. This monument was begun in his early manhood, but was not completed till long after his death. At the time when he died its truncated shaft was mentioned in the newspapers as symbolic of his own career; which likewise started with brilliant promise and ended in obscurity and neglect. When, long years after, the Government of the United States brought the enterprise to a completion and embellished the vicinity, there were not lacking those who saw in this also a certain parallel with Gayarré's own fate; for his fame has grown steadily since his death, and he has now come to be recognized as not only the most distinguished of Louisiana historians, but one who, by the magic of his style and the amplitude of his learning, is entitled to an important place among the great American historians of his epoch.

It was about the year 1885 that Gayarré occupied the little cottage on Prieur street which was destined to be the scene of his death. It represented a considerable decline from the relatively affluent days when he married the charming young woman who shared with him the vicissitudes of his subsequent career, and survived him by a number of years. They set up housekeeping in a small house in St. Ferdinand street which still stands; a place which they filled with elegant furniture brought from France at considerable expense. The historian and his faithful wife moved from St. Ferdinand street, first to one place and then to another, each removal representing the abandonment of something of the luxury and even of the comfort to which they had hitherto been accustomed.

Gayarré liked to say that his financial difficulties were due to the Civil War. It is probable that whatever he had inherited by way of fortune from his parents was lost in the course of that unhappy contest, or in the more serious economic disasters which followed it. After his wife's fortune was dissipated, as already described, Gayarré strove to make ends meet by practising law. In 1870, for instance, he had a law office with L. E.

Simonds on the third floor of the building which still stands at No. 14 Exchange place. But after 1881 he gave up his profession and was content to describe himself simply as "author." In the year mentioned his home was on Dauphine street, four squares down from Canal. Ten years later he boarded at No. 165 Camp street—a number which was subsequently changed, and cannot now be exactly located. In 1884, his home was at 121 Hospital street.

The cottage on Prieur now bears the number 1439. This number was assigned to it in 1896, when the entire city was renumbered. It still stands exactly as it was in Gayarré's day; a little white building, of five rooms, with steps opening directly on the sidewalk, and batten doors and windows—a very simple home indeed, as I have said in the opening paragraphs of this article. Here the infirmities of age overtook the historian. It was not, however, till the last year of his life that he was confined to his room.

For some time he suffered from attacks of a low malarial fever, which the infirmities of age rendered acutely painful. In May, 1894, he suffered a series of congestive chills, which were at the time expected to terminate fatally. With a vitality astonishing in one so old, he rallied from the attack and apparently regained his usual health.

The attack to which Gayarré succumbed on February 10th, 1895, was similar in character to the one just described. It was complicated by a cardiac affection, induced by lack of nutrition and the exhaustion of his system, as a result of the extreme cold weather which prevailed in New Orleans during that winter. About the first of the month symptoms of blood poisoning developed in the right leg, and Gayarré was compelled to take to his bed. He did not rise until the evening of the Saturday before his death. That was February 9th. Then for the first time in nearly forty hours he expressed a desire for food. He was assisted to his feet, and with the greatest care placed in an armchair beside the little fire which burned in the grate in the sickroom. Outside, the world was robed in snow. Snow fell that day to a depth of ten or fifteen inches; and the temperature was very low. Chilled and weakened by his exertions, slight as they were, Gayarré was prostrated. His mind began to wander. After he was replaced in his bed he muttered to himself incoherently in French much of the time until the end. However, during the

long, sad hours which intervened before death came mercifully to release him from his sufferings, he had occasional lucid moments when he was able to recognize the anxious faces that bent above his couch, and evince gratitude for their solicitude by a faint smile.

On Sunday—the last day of his life—consciousness which had seemed to be slowly failing revived in some degree, and about noon the melancholy muttering which had gone on so long was interrupted by a period of quiet. Lifting himself in bed Gayarré asked in French that two of his friends be sent for—Archbishop Janssens, head of the Catholic church in New Orleans; and Dr. B. M. Palmer, the well-known Presbyterian divine. “Won’t you please send for Monseigneur?” he asked; and then, catching a glimpse of his wife’s tear-stained face, and doubtless in deference to the fact of her Protestant faith, he added, “And for Dr. Palmer.”

These were his last words. After that, his mind wandered again. As the afternoon waned, Gayarré’s thoughts seemed to be occupied with the innocent days of childhood, and in the pathetic words of one of the women who watched at his bedside, “He dandled the bedclothes in his arms, as though they were an infant, and said over and over again, ‘Finissez donc, mauvais tête!’” In this delirium, the old man continued while twilight deepened and the Sabbath became the night.

At seven o’clock, the character of his delirium underwent a change. He became more restless, pushing aside the bed-clothing, and muttering plaintively. He seemed not to feel the cold which grew more bitter as the night advanced, and the snow deepened outside. When Dr. H. E. Menage, the attending physician, came in, Gayarré manifested a desire to rise. But he could not. He fell back upon the pillows in a state of coma from which he never recovered.

All that night Mrs. Gayarré, who never faltered in her devotion during her husband’s illness, remained at his side. Mrs. W. W. King, an old friend of the family, shared the watch with her. In the sitting room another friend, Victor Wogan, maintained a solitary vigil. At eleven o’clock, Mrs. Gayarré, overcome by fatigue, fell asleep on the bed beside the patient. Mrs. King occupied a chair beside the hearth. At 1:30 A. M., Gayarre’s condition seemed unchanged. A few moments later he gasped convulsively once or twice, and then passed away so quietly

that none of those in the apartment ever knew at precisely what moment the spirit abandoned the frail tenement which it had so long inhabited. At 1:50 o'clock, Mrs. Gayarré, noticing that a change had taken place in the patient's condition, touched his forehead with her hand, and found it marble cold. This was the first intimation to anyone of what had occurred.

All the following day the body, arrayed in an old-fashioned black frock suit, lay on the couch, with hands folded upon the breast. Perhaps because of the weather, which continued bad, there were few callers. Those who ventured out in spite of snow and cold lingered at the bedside to comment upon the extraordinary expression of calm which overspread the dead historian's face. The traces left by years and suffering vanished completely, as though death in claiming him, desired to revive a long gone youth and make him fair for the grave.

At the suggestion of Dr. Menage, a death mask was made by Professor Ellsworth Woodward of Newcomb college. I happened to be present while this task was being performed. The scene was singularly pathetic. The room was half lighted by a declining sun. In the hallway the black servants, only half comprehending the purpose of Professor Woodward's labors, were grouped in anxious curiosity. Miss Nan King, who had been summoned with her sister, Miss Grace, by their mother as soon as possible after Judge Gayarré's death, was also present, and applied the cloths necessary around the dead man's head while the plaster was setting.

The cast was entirely successful. When it was removed, the remarkable beauty and size of Gayarre's forehead became manifest as it had not been in life. The result revealed a truly Shakespearean brow, ample, serene and symmetrical to a remarkable degree, such as a thinker and poet should possess. No attempt was made to obtain casts of the hands and feet, as the *rigor mortis* had developed by the time Professor Woodward had arrived, and the limbs could no longer be moved. He made careful measurements, however, in order that, should it ever be desired to erect a statue to the historian's memory, there should be no lack of data for the sculptor to work from.*

* These measurements were as follows: Length of right middle finger, from tip to metacarpal joint, $4\frac{1}{4}$ inches; width of hand, $3\frac{1}{4}$ inches. Length of hand from metacarpal joint to wrist, $3\frac{1}{4}$ inches; from carpo-phalangeal joint to wrist, $3\frac{1}{4}$ inches. Length of left foot, $8\frac{1}{2}$ inches. Dimensions of head: from forehead to acclput, $7\frac{1}{2}$ inches; from bridge of nose to occipital projection, $14\frac{1}{4}$ inches. These measurements are given from a memorandum prepared by Prof. Woodward and copied by me at the time.

The body of Gayarré was laid to rest Monday morning. Early in the day it was placed in a coffin and left amidst flowers in a little sitting room of the Prieur street home. The coffin was covered with black cloth and ornamented with a silver plate of simple design, on which had been engraved Gayarré's name, his age, and the date of his death. A number of old friends called during the morning, the weather having moderated, although still very cold. The snow had melted, but in its place came a thin, dreary, episodical rain perhaps even more depressing than the snow. The room in which the body lay was that in which, only a few months before I had the interview detailed above. Some one, with a delicate appreciation of the situation, laid a single, large palm leaf on the lid of the unopened desk. It signified with a mute, almost painful eloquence, that a long task was completed, a life's work was done, and that only glory might now claim a place within the confines of that tiny room.

A little after 10 a. m., a Catholic priest named Janssens—a relative of the archbishop's, I believe—arrived, and the services appropriate to the occasion were performed. Mrs. Gayarré stood at the head of the coffin during this trying half-hour. At the close of the services the cortege was formed which was to convey the body to the St. Louis cathedral, where the formal funeral ceremony was performed. Dr. Palmer, who arrived some time earlier, escorted Mrs. Gayarré from the room. The coffin was conveyed to the Cathedral in a hearse decorated, in the French fashion, with long black plumes and streamers of crêpe. The priests were accommodated in a carriage which preceded the hearse, and three other carriages followed in its wake containing members of the Gayarré, Augustin and Wogan families, Dr. Palmer, Mrs. King and her two daughters, and a few other close friends of the dead historian and his wife.

On reaching its destination the somber little procession was received at the cathedral door by Archbishop Janssens, Canon Mignot—the latter for many years Gayarre's confessor—and Father Dufour, S. J. Here the coffin was delivered to the pallbearers, who were John Thibaut, I. Carrouche, R. M. Wamsley, Prof. Alcée Fortier, Judge F. D. King, Jules Wogan, and Charles LeBreton. Thibaut was the most impressive of the group. In spite of his 91 years, he insisted on performing his share of the task of transporting the coffin to its place before the altar. He was the last surviving schoolmate of the dead man. He him-

self had as a boy visited the battlefield of New Orleans on the day after the fight in 1815; and fate had already selected him to follow his deceased friend to the unknown land beyond this mortal life, within a twelvemonth.

The coffin was deposited upon a catafalque which had been erected in the center of the main aisle of the cathedral. It was the same catafalque which had been used less than eight months previously, in the memorial services at the St. Louis cathedral in honor of Sadi Carnot, the assassinated president of France. The trappings prepared for that ceremony were also utilized on the present occasion. Tall candelabra surrounded the structure. The lighted tapers glistened like stars in the quiet obscurity of the church, forming a sort of prelude to a more elaborate scheme of illumination which blazed upon the altar. Rising from the arch-episcopal throne shone tier upon tier of gas jets, culminating along the lofty entablature above the altar, under the great fresco of Pope Gregory the Great, in a long line of fire.

It was bitterly cold in the cathedral. From time to time a gust of icy wind swept through the vast, gloomy structure. Sometimes a transient ray of sunshine struck athwart the painted glories of the cathedral windows, and, passing thence, added a momentary aureole to the heads of saints painted upon the spandrels. But the sun shone fitfully that morning, and much of the time the shadows in the great old church were disturbed only by the light that diffused itself wanly from the altar. The spectators were few. Those who in addition to the family and its friends braved the weather were bundled up in overcoats and heavy wraps. They sat huddled together in little groups here and there in the wilderness of otherwise deserted pews. The front row of pews, however, was filled, for it had been reserved for the honorary pallbearers, fifteen in number, all elderly men of the highest distinction, who sat through the long service bareheaded in the cold, risking illness in order to render a last tribute of respect to the illustrious dead.

The clergy ascended into the chancel and the archbishop surrounded by a picturesque group of clergymen in lace surplices and acolytes with swinging censors, took his seat on the throne. The service was very simple, consisting of the usual recitatives in memory of the dead, chanted by a choir of male voices. There was, however, a solo by Mrs. Charles Dessommès, who rendered Stradella's *Miserere* in a fine and sweet contralto. The effect

of this mystic and touching music in the chilly and shadowy church was indescribable.

Archbishop Janssens made a short address marked by great intensity of feeling and unusual felicity of diction. He had been a close personal friend of the dead man and this circumstance lent his words a more intimate and poignant significance than could otherwise have been the case. At the close of his remarks, the archbishop, assisted by two priests attached to the cathedral chapter, incensed the catafalque and sprinkled holy water on it, after which His Grace assumed the miter, made a genuflexion before the altar, and retired. The two other priests accompanied the cortege to the St. Louis Cemetery, on Basin street, where it was placed in the tomb. Father Mignot officiated in the brief ceremonies that were held there.

The body was placed in the vault where many years before the body of Etienne Boré, Gayarré's grandfather, was laid to rest. This vault was situated in the oldest portion of the cemetery, adjoining the tomb of Destréhan and not very far from those of the Toledano, Roman, and other well known Creole families. It may still be seen—a very small, low structure of brick, rising in three steps from the ground, now not in the best repair. Father Mignot's duties having been completed, the coffin was sealed in its last receptacle, the mason covering the brickwork with mortar and tracing upon the new surface, with the point of his trowel, the pathetic sign of the cross. Flowers were heaped upon the tomb, and then, as we spectators turned away, leaving to his last long repose one of Louisiana's greatest sons, a faint ray of sunlight straggled through the lowering clouds and rested like a benediction upon the spot.

Gayarré had no property to leave, and the settlement of his estate involved nothing beyond the disposition of a few books and manuscripts. The plates from which his "History of Louisiana," and his novels had been printed were sold about a year before his death and the proceeds had been absorbed by the expenses of his illness. Anticipating the end, Gayarré destroyed many of his letters and diaries, fearing that, as his eyesight no longer permitted him to read through the entire mass and make a selection, some confidential passage might be preserved for someone other than himself to see. In this way much that was doubtless of inestimable historical value was destroyed.

He left intact, however, the manuscript of a novel translated some years previously from the Spanish of Quevedo. He had endeavored in vain to procure its publication, but adequate compensation could not be obtained, and the failure did much to depress the spirit of the venerable author in his last months of life. In addition, various papers on the half-breeds of old time Louisiana, full of remarkable passages of historical interest, were found when his few effects were examined.

These papers, together with the death mask, Gayarre's library and some family portraits were all placed in the hands of Mrs. King and her daughters. Miss Grace King became the custodian of the literary material, which some thirty years later she turned over to Mr. Henry P. Dart, for such use as he desired to make of it. She edited an edition of the "History of Louisiana," for F. F. Hansell and Bros. It was printed from the original plates, which were destroyed shortly after in the fire which gutted the office of the publishers. Most of Gayarré's books were eventually presented to Tulane University by this public-spirited and munificent lady, where they are cherished as a valuable contribution to its materials of scholarship as well as a sacred memorial to the memory of an eminent man who at one time had been a member of its faculty.



A FAMOUS EVENT IN THE FRENCH COLONIAL HISTORY OF LOUISIANA

The orders of December 8th, 19th and 30th, 1722, putting Sr. de Sauvoy and Sr. Jacques de la Chaise in charge of the Colony

Translated for the Louisiana Historical Quarterly from the transcripts in the Manuscript Division of The Library of Congress, in Washington.

By EDITH DART PRICE
New Orleans

INTRODUCTION BY THE TRANSLATOR

THE documents noted above and printed herewith in translation are of prime importance to the study of the early history of Louisiana. They present the beginnings of a house cleaning operation in the Colony, which in the end revolutionized the local administration and ousted Governor Bienville and his coterie. The matter has not received the attention from our historians that it deserves. Gayarré gives a few lines to it (Hist. I, 369-70). Martin is almost silent, so also Kendall (History of New Orleans) and Chambers (History of Louisiana). In *Creole Families of New Orleans*, Grace King devotes Chapter IX to de la Chaise, but does not touch the turmoil he created in Louisiana. The French Archives in France are rich with material covering this first political upheaval in Louisiana and copies of these documents are in the Manuscript Division of the Library of Congress, Washington, D. C. Some of this material has been edited and printed in translation by Dunbar Rowland and A. G. Sanders in *Mississippi Provincial Archives*, Volumes 1 and 2. In this mass of original sources, a new chapter in the History of Louisiana patiently awaits the pen of the historian. Mr. Henry P. Dart has made a study of the incident in his unpublished chapters on the Foundation of New Orleans and the writer gratefully acknowledges her indebtedness to this source in the preparation of this paper.

The date of the first document (December 8, 1722) is practically coincident with the removal of headquarters of the Colony

from Biloxi to New Orleans and this young city was the scene of most of the incidents which followed the investigation of Sauvoy and de la Chaise. The former died shortly after his arrival in New Orleans and the burden of the investigation fell on de la Chaise, who devoted the remaining eight years of his life to the work of ascertaining the local cause of the failure of the Company of the Indies to obtain results, from the huge expenditure of money and the sacrifice of lives incurred by it during the period 1717-1722. It is palpable from the documents here translated that the local government of Louisiana was under suspicion and that the authorities in France felt justified in taking secret, but drastic steps to remedy the disease that in their judgment was paralyzing their adventure. The control of the Company ended in 1731. The years subsequent to 1722-3 under the administration of de la Chaise were devoted to the upbuilding of New Orleans, and posterity owes a debt of gratitude to this man, who for eight years administered the affairs of Louisiana without fear or favor, with an eye to the best interests of the Colony. The tendency today is to recognize that the efforts of the Company of the West to populate Louisiana and to put it on the map was one of the occasional great movements in colonization that deserve the most careful study. The translation of these documents is offered as a small contribution to this interesting subject.

EDITH DART PRICE.

I.

Paris, Arch. Nat. Colonies
B. 43 p. 244-246

1722, December 8, Versailles.

Decree of the Council of State, concerning the Sieurs du Sauvoy and de la Chaise, to settle the accounts of the Company of the Indies in Louisiana.

Copy.

EXTRACT FROM THE REGISTRY OF THE COUNCIL OF STATE OF
DECEMBER 8, 1722.

The King, having been informed that since his Majesty has granted the Colony of Louisiana in all property, justice and seignory, in the month of December, 1717 to the Company of the Indies, created then under the name of the Company of the West, the Company has made some immense debts in the establishment

of this new Colony, as much by the great number of persons it has sent over there at its own expense, as by the excessive quantity of all kinds of merchandise it has sent there, so that if the Directors and clerks, to whom was intrusted the administration of the said Colony, had accounted for the care of the Company with the fidelity, zeal and application that they gave their own, the establishment would be much advanced and the Company would be beginning to recoup returns upon the advances it has made: but so far from this, the establishment is still of no utility and they have not even rendered any account of the merchandise and munitions sent to them by every vessel leaving the ports of France notwithstanding this has often been demanded. The majority of the officials being occupied only with their own interests, they could not give account except to the prejudice of the Company and of the inhabitants of the country.

His Majesty has judged it urgent to put a stop to such great disorder and that the best means is to send in their places, persons of known ability and honesty, to render an account of the merchandise and goods that have been sent to Louisiana since the year one thousand seven hundred seventeen, by the Company of the Indies, as well as those delivered to the said Company by the Commissioner of the Sieur Crozat, as the result of the transfer he made to his Majesty, who has made a gift of it to the said Company.

Listening to the complaints of the inhabitants, and taking cognizance of all that has passed in the said Colony, hearing the report of the Sieur Dodun, councilor ordinary of the Royal Council and of the Council of the Regency, Councilor General of Finance, His Majesty being in his council with the advice of Monsieur the Duke of Orleans, Regent, has appointed and appoints the Sieurs Du Sauvoy and de la Chaise to go to the country of Louisiana, to render account and check the accounts of the Directors, Commissaries, clerks and others to whom this applies. Such of the merchandise and goods sent to the said country of Louisiana by the Company of the Indies since the year one thousand seven hundred seventeen, as well as that which had been delivered them by the Commissioners of the Sr. Crozat to be checked with the said accounts. The directors shall be compelled to pay such sums that they owe by all means due and reasonable.

Done by the Council of State of the King, His Majesty being there and decreed at Versailles the eighth of December, one thousand seven hundred twenty-two.

(Signed) fleuriau.¹

II.

No. 158.

Paris, Arch. Nat. Colonies

B 43 p 247-264.

December 19, 1722, Paris.

Instructions for the Srs. du Sauvoy and de la Chaise appointed to audit the accounts of the Company of the Indies in Louisiana.

(Copy)

Instruction for the Srs. Du Sauvoy and de la Chaise (p. 247.)

The Commissioners of the Council deputed by the King for the administration of the affairs of the Company of the Indies.²

His Majesty having appointed the Srs. Du Sauvoy and de la Chaise by order of the Council of the 8th of the present month to go to Louisiana, there to investigate the condition of the affairs of the said Company in the Colony, to audit the accounts of the Directors and Clerks, and to remedy the disorder that they find in those accounts, we have judged it proper to give the present Instruction to which they shall conform in the execution of the said order.

Art. I.

They shall embark in the ship "La Galatee" without telling anyone the object of their voyage and when they shall arrive at New Orleans, where they must be brought by the said frigate, they shall go to find M. de Bienville, and in his absence, the one in charge of the Colony, to whom they shall give our letter, here attached, conveying the order to execute all that shall be required by them and they shall impart to the Council the order concerning their commission. (p. 248.)

¹ As Fleuriau, the Procureur General of Louisiana, was in New Orleans at the date of this decree, we may assume that this signature was appended in that place, and that this document is one that de la Chaise had signed by the Procureur to be returned to France.—Ed. *La. Hist. Qy.*

² The "Commissioners" were the persons named by the King to take over the operations of the Company of the Indies during its temporary embarrassment after the downfall of Law.—Ed. *La. Hist. Qy.*

2.

They shall then go to the warehouses of New Orleans, and to the treasury office ("la caisse"), where they shall affix seals on all the doors, taking care to place sentinels to protect the seals, and they shall proceed at once without interruption and before beginning on any of the affairs, to make a general inventory of all merchandise, money, provisions and goods which they shall find in the warehouses, and in the treasury, beginning with the warehouse of the provisions.

3.

In affixing the seals, they shall have produced by each warehouse-keeper all his books, accounts and papers. These they shall entrust to the Clerk of the Commission, who shall make an inventory of them in the presence of the said warehouse-keepers, and shall deliver them to him (with) his acknowledgment of examination at the foot of the said inventory. After the inventory is finished, (he shall) paraph the said books, accounts and papers, and make a report of them to the warehouse-keepers. If there is merchandise on sale and distribution, these they must not interfere with, as (p. 249) for example, the provisions. They shall take care in affixing the seals, to set aside a certain amount whose price they shall charge the warehouse-keeper to keep in a special book, thereafter to be carried in the new books to be opened after the inventory is finished, to which no objection shall be made. For the day following the affixing of the seals they shall not inventory more than can be entirely finished.

4.

Although, since (its) establishment, the Company of the Indies has sent more goods than was necessary to pay all the expenses that have been made in Louisiana, nevertheless a custom was introduced to give notes in payment of all sorts and kinds of expenses, a custom so far most pernicious because all the clerks of the different Posts ("Comptoirs"), scattered in the interior of the country can (make) them arbitrarily; it is this condition that demands the greatest attention on the part of the Srs. du Sauvoy and de la Chaise, because it is in this way that the greatest embezzlements are committed, not only because it is probable that many notes have been made at the cost of the Company, for which

it has never received any value, but also because the said notes have fallen into such a discredit that they have lost 80 %. (p. 250.) They could have been collected by those who were to carry on the disposal of the goods of the Company, who borrowed under some name, perhaps even under their own; these notes having been made payable in full in merchandise of the Company, or in bills of exchange on the treasury of Paris.

As soon as the issuance of these notes was made known to us, we prohibited by our letters of August 27, 1721, to the Council of Louisiana the making of any note under any possible pretext, and ordered each Post to have drawn up an examination of the notes delivered by the Clerks, and have them endorsed by the Commandant of each Post in the presence of the principal clerk, who shall paraph them.

The same letter ordered that these notes should be paid in merchandise, without objection by the clerks, with the order to correct the first clerk severely who should refuse to receive them. This command was given in order to prevent usury (speculation) in the notes, principally by the clerks.

By another letter of the same date, in which we learned that the inhabitants made a difference of 100% in the price of sale of their commodities for silver cash for the notes, we have ordered that the notes shall be paid partly in specie of copper, and partly in merchandise, always agreeing to renew the protection for all clerks making the notes.

Since that time when the reimbursement of the notes gave place to an appalling usury (speculation) and all sorts of evil manipulations on the part of those who have the goods of the Company in their hands, even taking into consideration that part of these notes had been made by the clerks without the Company having received any value for them, we have given orders to the Council by our letter of May 12 past, to make an inventory of all the notes which shall have been found retired by the head clerk, and then to give notice to all the clerks of the Company that when they redeem any of them, to make it public in all the Colony, that the holders of the notes may present them again to the Cashier established at New Orleans (who is) to draw up a statement checking by which clerk each note was made, for what value it was retired, and to whom it was given in payment, to provide afterwards in this statement, which must be sent to us (p. 252),

(when done and seen to by the Council) what is to be done with the notes left to the redeemed.

By this same letter, we have excepted from this general order, the officers, and others, with salaries from the Company, holders of notes in their name with those delivered on account of their salaries, whom we have permitted credit in the accounts that they might have with the Company to supply their needs. We know nothing about the execution of the different orders therein, except as a result of the first, it appeared to us that they have continued to pay the notes not only in merchandise, but also in bills drawn on the treasury of Paris and that the Council on its part, retires the notes and gives cards in exchange, which was understood by us as part of the prohibition to the Council to make payment on neither notes nor cards, whether they were given in payment of salaries or otherwise, until we have received the general statement, and this we have done, knowing the intentions of His Royal Majesty in this case.

After having explained to the Srs. du Sauvoy and de la Chaise what has happened with regard to the notes, it is necessary to make known to them what they have to do.

1st. They must demand the production of the statements which have been duly ordered of all the notes existing upon the receipt of our letters of August 17, 1721. They have two things to do with these statements, the first, to collect by special lists, the notes signed by any of the clerks who have given them, to verify the accounts submitted by them and to state what value they have received for the Company in retiring these notes.

2nd. They must ascertain to whom and why the notes contained in these statements were paid since that time, in order to learn whether the employees of the Company have retired them, and submitted merchandise in their place. This matter is one about which the Srs. Du Sauvoy and de la Chaise must particularly acquire the most exact information, and issue an order of detention in order that we may prepare to punish the guilty.

3d. The mutation of the notes in cards demands also an exact examination in order to know by whom the notes had been (254) presented, how the holders got them, finally to judge if the value of the cards which the holders happen to owe, exist on the whole.

4th. They must learn if any bills or cards have been paid since the receipt of our orders of the month of May of the present year, in spite of the prohibition carried in our said letter.

5.

At the same time that they carry out these orders in New Orleans, they shall demand from the Council of the Colony a man of honesty and intelligence, responsible in every way, whom they may trust to go with a notary to do the same things in Biloxi (if there be any goods there) and from there to Mobile, where having arrived, he will convey the order to the clerk of the Alibamons to bring him his accounts and papers, with an inventory of the goods, which he shall leave in care of the Commandant before departing, which he shall include in his return. This same man shall be careful before starting for New Orleans to make a statement of all the goods for which the clerks (book-keepers) of Biloxi, of Mobile, and of the Alibamons are found responsible.

6.

The said Srs. Commissioners shall send orders to the Sr. d'Herbanne, clerk at Natchitoches, and to the Sr. de la Loire, junior clerk at Natchez, to bring immediately their accounts and papers, the inventories of the goods remaining in the warehouses with which the commandants of the Posts shall be charged during their absence.

Since the Post of Natchitoches trades with the Spaniards, it will be necessary to try to learn if any merchandise of the Company was sold, especially if any security was substituted for it on the bills.

By means of this disposition there remains only to examine the accounts of the Illinois, which is too far away to make the Sr. de la Loire, Sr., who is First Councillor of the Provincial Council, come down, but since the said Sr. De la Loire has long been recognized as an honest man and since one may wholly depend upon the probity of M. (p256) de Boisbriant, First Lieutenant of the King in the Province and chief of the Council of the Illinois, the said Commissioners may accord (to them) the execution of the orders which were given them to carry out, the same performance in this regard and in those which are attached.

8.

The said Commissioners shall explain to the Council that it must not interfere for one moment with the performance of the duties with which they are charged to carry out, but on the contrary that the intention of His Royal Majesty is that each coun-

cillor shall set himself to the prompt execution and without rest of that which he has been ordered to do in his Instructions. They shall also require the said Council to have the Councillors present at the inventory of the warehouses of New Orleans, and they shall demand for this purpose the following councillors, to-wit:

For the warehouses where provisions are distributed, Sieur Guilhet, 4th Councillor.

For the office and the warehouse of the raw merchandise of the Colony, Sieur Bruslé, 1st Councillor (p. 257).

For the warehouse of European merchandise, Sr. fazende, 2nd Councillor.

For the canteen and the shop, Sr. De Masclary, 5th Councillor.

Seeing that the Councillors were charged with the inspection of the warehouses, they shall, without delay, during the inventory which shall be made, class the quality of the merchandise, and arrange it in the order it should be.

If for greater dispatch in executing these inventories, and the examination of the accounts and papers of the book-keepers, the general books of the Colony, the said Commissioners may judge it necessary to divide among themselves the work they have to do, the Council shall furnish them with all the necessary clerks.

10.

Mssrs. the Commissioners are directed not to remove (p. 258) M. fleuriau from New Orleans. And to note in this article whom they have commissioned to go to Mobile.

In case they should judge it necessary not to place their confidence in the person that the Council proposes to them (p. 258) to send to Biloxi and Mobile to make the inventories, they shall commit this to Sr. fleuriau, Procureur General of the Council the representative of the King.³

11.

By degrees, as the inventory of the warehouse is finished, the said Commissioners shall send a notice to the Council that it may charge the warehouse-keeper with that which shall remain

³ The text is "l'homme du Roy." It is historically true that the Procureur General was in those days commonly called "the King's Man" because he represented the King in the Courts in his own name and "for the King." The latter was never impleaded in his own name.—Ed. *La. Hist. Qy.*

there in a new book which shall be opened, and after all the orders given in the Posts, and the inventories in New Orleans are finished, the Commissioners shall have opened large new books by the book-keeper of the general books in which shall be carried all the goods that shall be found in New Orleans, as well as the check of the inventories of other posts, as they shall arrive, and the cargoes of the vessels which shall come from France, beginning with that of the *Galatée*, and conformably to the instructions to Sr. Perry, 3rd Councillor charged with the inspection of the books, and of the accounts, wherefore the said Commissioners shall act with him in this respect (259).

12.

When the accounts of the warehouse-keeper and the clerks shall be verified and checked by the said Commissioners, they shall deliver them to the Council with orders to have copies made and retained by it, and to send the originals to the Company, but before this delivery, they shall straighten out the accounts in a form well proved, and the most exact possible of the active and passive debts of the Company in the Colony, to deliver to us on their return to France.

13.

To put the said Commissioners in a position to demand the account of the Directors and clerks of the Company of "la Louisianne," we shall send them a register containing generally all the goods and merchandise which were found in the Colony following the inventory of M. Crozat, when the Company took possession, and likewise all the goods, merchandise, provisions and negroes that the Company has since sent. We understand very well that it will be difficult to get a fair account because of the changes in directors, but as they will find old employees in the country, and M. De Bienville has always been a Director (p. 260), we demand at least that the Commissioners shall establish as close as possible the use of all those goods, and to list them in the register, which shall be left in blank for this purpose, for each article.

14.

We shall deliver to the said Commissioners copies of all the orders which have given to the Colony, and of the instructions which we have sent to each Councillor of the Council, they shall

demand that these shall furnish copies, and it shall be noted in the margin of each article what has been executed, and if nothing has been done, give the reasons.

15.

They shall receive the complaints that shall be brought to them by officers, clerks, engagés,⁴ as well as by the inhabitants. If they find the complaint serious, they shall make inquiry, and in case of proof against an employee they shall suspend him, and send him prisoner to France and we will attend to the procedure, but if they have only the discussions (p. 261) of the inhabitants, they shall refer them to the Council as things solely in their competence, unless the complaints are made directly against the Council, or against one of those who compose it, in which case they shall keep their information secret to render an account of it to us.

16.

The said Commissioners shall be lodged and fed at the expense of the Company during all the time they shall sojourn in Louisiana, and we shall remit a "lettre à cachet volant" to this effect for the Council of the Colony, by which they shall see the orders that we have given for their subsistence.

17.

The said Commissioners must not return to France unless they bring back with them the items ("les pieces") here following in good and due form, to-wit,

1st. A general inventory of the provisions, merchandise, effects, negro slaves and animals belonging to the Company which were found in each Post, giving in the said inventory the value of each thing, and in this they shall follow the invoice from France, if they find that, or on the price of the same sort of merchandise with which Louisiana is charged in the Register we have sent to them.

2n. An exact list of the active and passive debts of the Company of the Colony.

3rd. A list to be added to the Bills of Exchange drawn by the office in Louisiana upon the Company in France still out-

⁴ This title was applied to workmen or other subordinate employees of the Concessioners, or to one of the same class employed by the Company.—Ed. *La. Hist. Qy.*

standing in which shall be noted the value which has been given for the same.

4th. A special list of notes ("billets") and cards, held by individuals in which shall be given the names and positions of such persons, and the value given by them for said notes and cards.

5th. The duplicates of the accounts which they shall have checked if they have the time to have copies made for the Council, if not, they shall provide for sending them (later).

6th. A list of the expense of the troops at the head of which they shall put the number of men of which each company is composed (p. 262).

7th. A list of the boats of all kinds which are found in the Colony, and of their rigging and apparel and another list of the said boats which shall be sufficient to preserve the service of the Company.

8th. A list of the employees of the Company which shall state their names, their duties, and what they receive per annum.

9th. A list of the workmen hired by the Company which shall mention their names, trade, time of their engagement, and their wages.

10th. A list of the officers of the Marine and sailors engaged by the Company Idem.

11th. A list of the deported criminals ("les forcats")⁵ when so recorded how they are ordinarily occupied.

12th. A general enumeration of whites, negroes, slaves, Indians, horses and cattle (horned beasts) which are in the Colony, designating the same by place, and by concession or habitation.

13th. A special report ("Memoir") of what the Colony can produce to send to France with regard to the present, and of what may be hoped for in the future, estimating the latter as nearly as possible.

14th. The Register of the goods with which the Colony is charged, where the Commissioners will note the use to which they have been put.

⁵ Larousse says a "forcat" was a man who was condemned to the galleys.—E. D. P. Such persons had been sent to Louisiana prior to this time, but the ship lists (now being printed in the *Quarterly*) show that they differentiated between such exiles and smugglers, who were classified as "faux sauniers" and "fraudeurs de tabac," etc.—Ed. *La. Hist Qy.*

15th. A list to be annexed of credits granted by the Company to the Concessionaires in the accounts in "la Louisianne" for which the value has not been furnished except in paper, whether the said credits have been reduced or revoked, to be followed with an explanation at each article of the said list, in which the said Commissioners shall mention what they have done, in consequence.

Done at Paris the 19th of December, 1722.

(Signed) fagon, de marchault, de fontanieu.

III.

Paris, Arch. Nat. Colonies
B. 43; p. 299; 301.

1722 December 30, Paris.
Recall of the Sieur De Lorme,
first director of Louisiana.
Copy.

The Commissioners of the Council, etc.

His Royal Majesty having judged it proper to abolish the offices of Ordonateur and of Director of Louisiana, we have recalled, and do recall the Sieur De Lorme, First Director of this Colony, who upon receiving this present order, will cease all functions, and will no more be recognized in the same capacity by any of the officials of the Company. We order the Sieur Le Moyne de Bienville, Commandant General of Louisiana, and President of the Council of this Colony to give notice of the present order to the said Sr. De Lorme as soon as he has received it, and to draw a duplicate of it signed by him, after which he will remit the duplicate to the Council, whom we order also to control the execution of that which it contains, under no condition to let the said S. De Lorme cross to France, except on the declaration of the Sieurs Du Sauvoy and de la Chaise, Commissioned by decree of the Council, of the 8th of the present month, to verify and check the accounts of the officials of the Company in Louisiana, that they have no more need of him, and not to pass† his salary other than to the day that the present order shall have been given him, except that he have a petition laid before us for the compensations which he may pretend are due during the time he

† This word may have the sense of approve or allow.—E. D. P.

takes to render his accounts, which we shall consider, following the account which he shall render of his conduct.

Done at Paris the thirtieth of December, 1722.

(Signed) fagon, De Machault, Augran and fontaine.

IV.

Paris, National Archives, Colonies.

B 43. p. 301-304.

1722 DECEMBER 30, PARIS

INSTRUCTIONS FOR THE SRS. SAUNOY AND DE LA CHAISE
CONCERNING THE SR. DE LORME

Copy.

The Commissioners of the Council, etc.

His Royal Majesty having decided to recall the Sieur De Lorme from his position as Director of Louisiana, we are sending the order to M. De Bienville, and in his absence to M. de La Tour with the letter here adjoined, which we forward by the Sieurs Du Sauvoy and de la Chaise.

As they must go to the home of M. De Bienville on their arrival in New Orleans, and in his absence, to the home of M. De la Tour, they shall deliver the said letter, and they shall repair immediately to the home of the said De Lorme, of whom, when the order of his revocation shall have been delivered to him, they shall demand the display of all the papers concerning the Company of the Indies, and these they shall leave in the care of the secretary of the Council whom they shall find there for that purpose. (p. 302).

They shall make known to the Sieur De Lorme that the intention of His Royal Majesty is that he give account of all the orders that were given by him on the treasurer and on the warehouse-keepers of the Colony, and that he show the disposition of the cargoes of all the vessels that arrived in Louisiana since he has been Director, to the investigation of which, the said Sieurs Du Sauvoy and de la Chaise shall proceed only after they have finished the general inventory of the goods of the Company.

As we were informed that he has already traded with the Spanish, much merchandise that has been paid for in piastres, without this money being deposited in the treasury of the Company, the Sieurs Du Sauvoy and de la Chaise shall investigate the

report that the Spanish have come to the Colony and have remained there, and they shall examine into the kind and quantity of merchandise that has been going out during this time from the warehouses, by whose orders and to whom it has been delivered, then to demand the reason from those who have received them of the use they have made of them, finally to undertake to discover if by the said *Sieur De Lorme* or by another having the right to give orders on the stores, this has not been done as an underhand commerce of merchandise with the Spanish to the prejudice of the Company.

If they discover that the said *Sieur De Lorme* has engaged in trade to obtain the piastres or appropriated those that should have been entered in the treasury of the Company, they shall demand his reason and they shall investigate into the appropriation he has made and compell him to yield them if they are still in his possession.

They shall likewise investigate whether the said *Sieur De Lorme* has drawn up any notes ("billets") since receiving the orders we have given to (abolish) them, and whether he has not withdrawn the same to his profit from the above place to pay for the merchandise taken from the stores of the Company or provided the value in letters of Change on France.

They shall have drawn a proces verbal of all that they have done in investigating the conduct of the said *Sieur De Lorme* and of all that they shall have found there, to send to us or to bring themselves.

They shall plan with *M. De Bienville* for the return to France of the said *De Lorme*, and when *M. De Bienville* shall decide that the presence of the said *Sieur De Lorme* will not be further necessary, to give the Council the necessary explanation, and when the said *Sieurs Du Sauvoy* and *de la Chaise* have extracted from him all that is necessary to them, and when they shall have checked his account, particularly with the Company, they shall permit him to embark by a written permission which they will give to the Council.

Done in Paris, the 30th of December, 1722.

(Signed) fagon, de Machault, fontanieu.

WEST FLORIDA AND THE LOUISIANA PURCHASE

An Examination Into the Question of Whether It Was Included in the Territory Ceded by the Treaty of 1803

By Francis P. Burns

FOREWORD

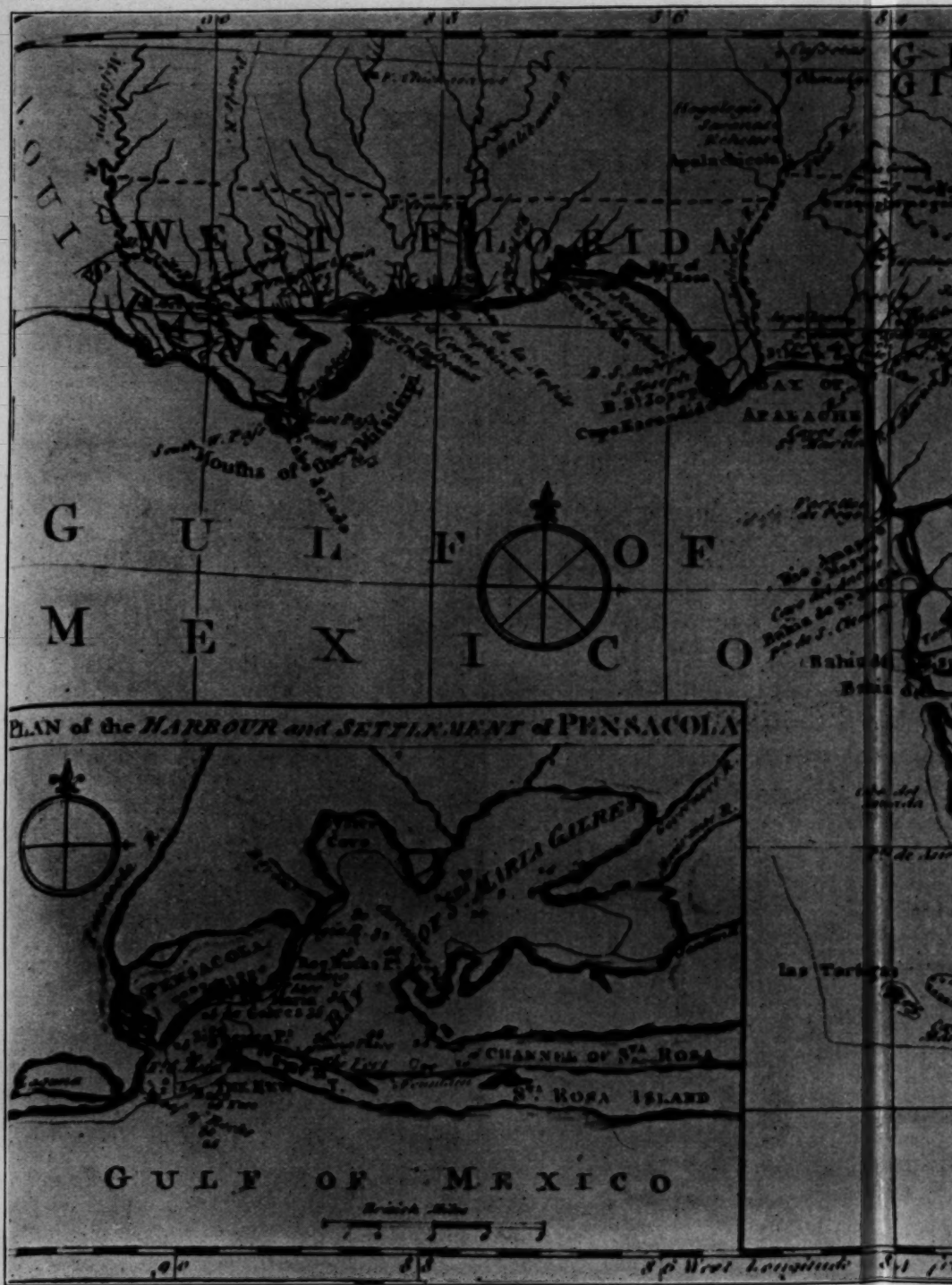
"THE purchase of Louisiana, by the United States, though understood by only a few at the moment, revolutionized their system both inside and outside. That momentous step destroyed the literal interpretation of the Constitution, hitherto enslaving a congeries of jarring little commonwealths in the bondage of verbalism, because, though manifestly beneficent and necessary, it could be justified before the law only by an appeal to the spirit and not to the letter

"Thenceforward Americans have steadily been enlarging their constitutional law by interpretation, and the apparent timidity of amendment which they display is simply due to the absence of necessity for revision as long as expansion by interpretation continues. But quite as important as this was also the displacement, by the acquisition of that vast territory, (The Louisiana Purchase), of what may be called the national center of gravity. Until then the aspirations of Americans had been towards Europe; the public opinion of the country had until then demanded the largest possible intercourse with that continent compatible with freedom from political entanglement. Thereafter there was a change in their spirit: a continent of their own was open to their energies."

(Sloane: Life of Napoleon, IV, 247-8).

In a recent number of the Louisiana Historical Quarterly, (Vol. XIII, 611-616), under an introductory note by the Editor of the Quarterly, is a fac-simile, (without the map), of the Royal Proclamation of His Majesty, George III, Rex, dated October 3, 1763, establishing, among other things, the authority of the British Crown in,

"West Florida, bounded to the South by the Gulf of Mexico, including all islands within fix leagues of the coast



[illegible]

from London 8

from the river Apalachicola to Lake Pontchartrain; to the Westward by the said lake, the Lake Maurepas, and the River Mississippi; to the Northward, by a line drawn due East from that part of the River Mississippi, which lies in 31 deg. N. latitude, to the River Apalachicola, or Catahouchee; and to the Eastward by the said river."¹

The original of this document with the accompanying map appeared in the *Gentleman's Magazine*, London, October, 1763, p. 477.²

It will be noted from the foregoing that the British King fixed the boundary of West Florida as far eastward as the Apalachicola river, whereas, in subsequent discussions, claims, treaties, etc., West Florida is said to have only extended as far eastward as the Perdido river, which is a short distance to the east of Mobile Bay. William Darby in his book, "Geographical Description of the State of Louisiana, and Portions of Mississippi and Alabama," (1817 ed.), gives the same eastern boundary to West Florida as the British Proclamation, but its western boundary as being the Perdido river, which is to day the line of demarcation between the States of Florida and Alabama.

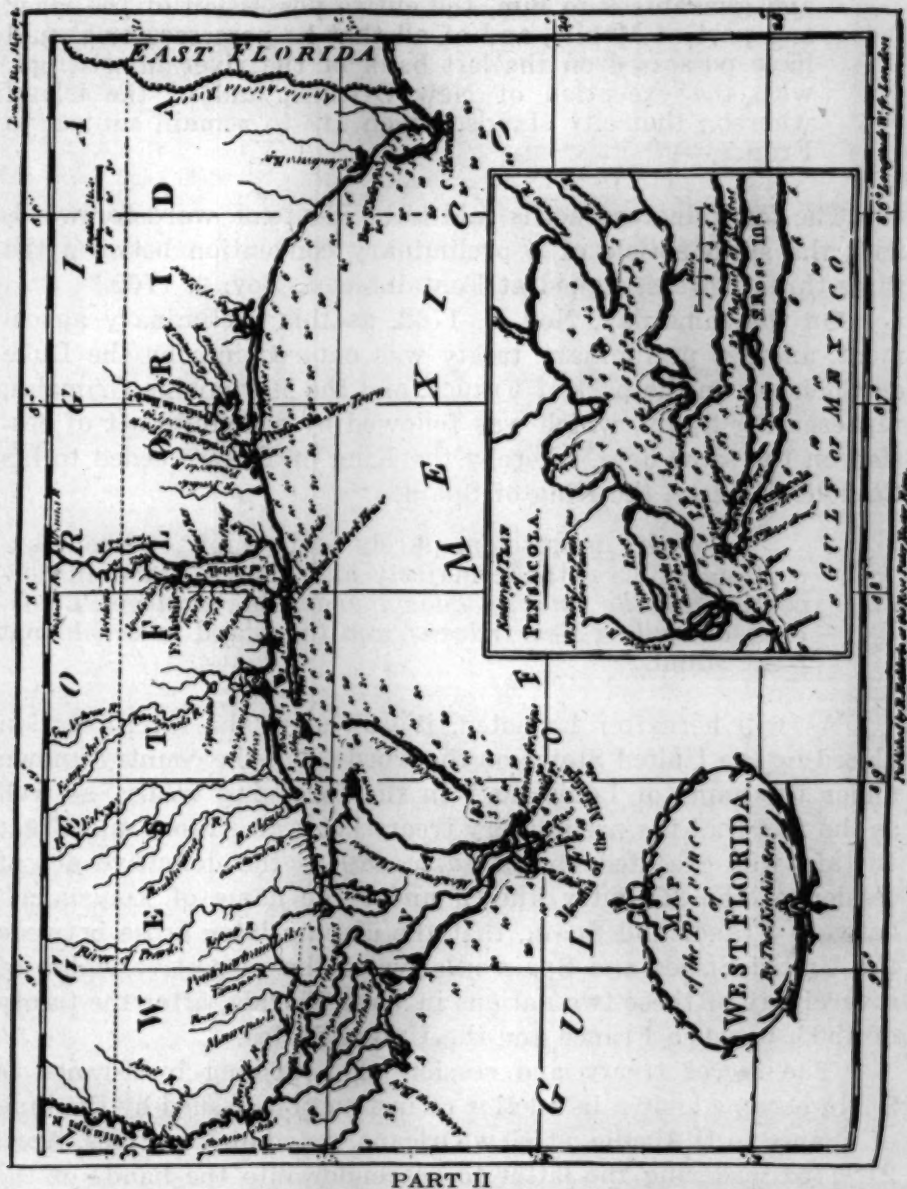
The interest of Louisianians in West Florida lies in the fact that that part of West Florida lying between the Mississippi river, on the west, Pearl river, on the east, the lakes Pontchartrain and Maurepas on the south, and the line of the 31st deg. N. latitude, on the north, and known to day as the Florida Parishes, formed at one time a part of West Florida, or New Feliciana, as it was then known, (see Plate II), and in 1816 was composed only of the Parishes of St. Tammany, now further subdivided into the Parishes of Washington and Tangipahoa; St. Helena, now further subdivided into Livingston; New Feliciana, now further subdivided into East and West Feliciana, and East Baton Rouge.

Pretermitted a discussion of the early discoveries and settlements of the French it appears that, by the Treaty of Feb. 10, 1763, between Great Britain, France and Spain, by Article VII, the king of France ceded to England the following lands:

"In order to establish peace on solid and durable foundations, and to remove forever all motives for disputes respecting the limits of the French and British territories on the American Continent, it has been agreed

¹ Stoddard, 113.

² Plate I. We reproduce it here.



PART II

that the limits between the states of his most christian majesty and those of his Britannic majesty in that part of the world, shall hereafter be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source to the river Iberville; and thence, by another line through the middle of that river, and of the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most christian king cedes to his Britannic majesty,

and guarantees to him, the entire possession of the river and port of Mobile, and of all that he possesses or should have possessed on the left bank of the river Mississippi, with the exception of New Orleans, and of the island whereon that city stands, which are to remain subject to France,—.”³

The foregoing extract is said to be identical, word for word, with the sixth article of a preliminary convention between the same three powers, signed at Fontainebleau, Nov. 3, 1762.⁴

On the same day, Nov. 3, 1762, as this preliminary agreement, another preliminary treaty was entered into by the Duke de Choiseul, on the part of France, and the Marquis de Grimaldi, representing Spain, which was followed by a definite act of cession on the same date, whereby the King of France ceded to his Catholic Majesty, the King of Spain,

“In entire possession, purely and simply, without exception, to his catholic majesty and his successors, in perpetuity, *all the country known under the name of Louisiana, as well as New Orleans, and the island in which that place stands.*”⁵

As will hereafter be noted, it was upon the interpretation placed by the United States on the words, “all the country known under the name of Louisiana,” in the foregoing treaty, as well as the fact that the preliminary treaty between France and Great Britain was executed on the *same day* as the definitive act of cession of the “Country known under the name of Louisiana,” between France and Spain, that the dispute later arose between the United States and Spain relative to the respective rights of sovereignty of these two nations in West Florida, after the treaty of 1803, between France and the United States.

The secret treaty and cession of Louisiana by France to Spain became known in a letter of instructions issued by the king of France to D’Abadie, at New Orleans, dated at Versailles, April 21, 1764, ordering the latter to surrender into the hands of the governor or officer appointed for that purpose by the king of Spain, “*the said country known by the name of Louisiana, together with New Orleans and the island on which that city stands.*”⁶

³ *Gentlemen’s Magazine*, March, 1763; State Papers, Vol. V, 755.

⁴ White, 529.

⁵ White, 529.

⁶ White, 534.

When Count O'Reilly took definite possession of Louisiana on August 18, 1769, he did not take for the king of Spain the east bank of the river Mississippi from the Manchac, (or Iberville), since the same belonged to the English. During the American Revolution the Spanish arms conquered West Florida beginning at Fort Manchac, on Sept. 7, 1799.⁷ Then Baton Rouge was captured. The Spaniards continued their war of conquest eastward until May, 1781. By the fifth article of the treaty of peace, between Great Britain and Spain, signed at Versailles on Sept. 3, 1783, it was provided.

"His Britannic Majesty cedes and guarantees, in full right, to his catholic Majesty, East Florida, as also West Florida,—."

At the signing of this treaty Spain then possessed both parts of ancient Louisiana; the one to the west of the line of the Mississippi, of the Iberville, and of the lakes Maurepas and Pontchartrain by the cession from France; the other to the east of that line, by virtue of the cession of France to England by the treaty of Nov. 3, 1762; and later, by the treaty between Spain and England, of date Sept. 3, 1783.

In the month of May, 1781, at the time that the Spanish conquest of West Florida was a completed fact there appeared in the London Magazine a detailed description of the British possessions of West Florida, with an accompanying map, which amplifies more graphically the meagre description of that territory as it was described in the Treaty between England and Spain of date Sept 3, 1783.⁸ This map is interesting and bears intrinsic evidence indicating that the cartographer is the same one who made the map of East and West Florida attached to the British Proclamation of 1763. The depths of water shown are in fathoms. The line of demarcation between the Colony of Louisiana and West Florida through lakes Maurepas and Pontchartrain is clearly indicated.

By Article II, of the treaty of Sept. 3, 1783, Great Britain after admitting the Independence of the United States, ceded to them all the territory east of the Mississippi river, and north of the 31st deg. N. latitude, bounded on the east by the Atlantic ocean, and south of the Great Lakes and Canada.¹⁰

⁷ White, 397-398.

⁸ Snow, 6-7; Stoddard, 113.

⁹ Plate II.

¹⁰ 8 Stats., 80.



PART III

Thus matters stood until after the Independence of the United States had become a fact, when, on Oct. 27th, 1795, a treaty of Friendship, *Limits*, and Navigation was concluded between Spain and the United States, wherein it was stated:

"In order to avoid all disputes respecting the limits between the territories of the two high contracting parties, it has been agreed and declared in the present Article, (Article II), that the southern boundary of the United States, which divides their territory from the Spanish Colonies of West Florida and East Florida, shall be a line beginning at the Mississippi, at the northernmost part of the 31st deg. of latitude north of the equator, and thence proceeding directly to the east, to the middle of the river Apalachicola, or Chattahoochie; thence, along the middle of that river to its juncture with the Flint river; thence in a straight line to the source of the river St. Mary; and thence, passing down through the middle of that river to the Atlantic ocean—"11

In the year 1796, the ambassador of the French Republic at Madrid, Citizen Perignon, was instructed to sound out the Spanish Government on the matter of the retrocession of Louisiana. The Spanish king was then seeking an increase of territory for the Duke of Parma in Italy, and the price of this aggrandizement was to be the cession of Louisiana and West Florida. But this negotiation did not succeed. Subsequently, in the year 1800, General Berthier was constituted envoy extraordinary,¹² to resume the same negotiations, but, again, he did not find the Spanish government so disposed. The endeavors of the French government again being fruitless, it accepted the cession of Louisiana, under the designation as proposed by the Spanish government.¹³ This, then, was said to have been the basis of the secret treaty of St. Ildefonso on Oct. 1, 1800, Article III, relative to the cession of Louisiana being couched in these terms:

"His catholic majesty promises and engages on his part, six months after the full and entire execution of the conditions and stipulations above mentioned, relative to his royal highness, the Duke of Parma, to *restore* to the French Republic the colony and province of Louisiana, in the same extent it now has under the dominion of Spain and of other states."¹⁴

¹¹ White, 536, *La. Hist. Qrtly.*, Vol. I. 513.

¹² White, 510. 50 U. S. 295.

¹³ White, 512.

¹⁴ White, 511-538.

This clause was confirmed and enforced by a subsequent treaty between the same powers at Madrid, March 21, 1801.¹⁵ Stoddard, in his work, "Historical and Descriptive Louisiana," (p. 132), makes a brief but important change in the language of Article III of the above treaty, and a comparison with the official copy of the treaty, between France and the United States, dated April 30, 1803, in the American State Papers, Public Lands, Vol. V, 711,¹⁶ will demonstrate that Major Stoddard failed to make an accurate quotation from the one which he copied.

To carry out the obligation assumed by him in the Treaty of St. Ildefonso, Don Carlos, King of Spain, at Barcelona on Oct. 15, 1802, issued an order to Cevallos, his Prime Minister, instructing the latter to deliver to the French Republic, through General Victor, "the colony and province of Louisiana," according to the following description; and it is notable that this same vague language regarding the boundaries of the colony is practically identical with the "studied ambiguity"¹⁷ which it is charged originated with Napoleon in describing the same colony when he transferred it to the United States. A very strong presumption arises that Napoleon had the Spanish King's order before him and adopted the ambiguous description:

"Whereas I have judged it proper to retrocede to the French Republic the colony and province of Louisiana, I command you as soon as these presents are exhibited to you by General Victor, or any other officer duly authorized by said Republic to receive the same, to put him in possession of the colony of Louisiana and its dependencies, together with the City and island of New Orleans, *with the same limits it has at present, which it had whilst it belonged to France, and at the time she ceded it to my royal crown, and such as it ought to be found after the treaties successively concluded between my states and those of other powers, in order that, henceforth, the same may belong to said Republic—without any exception whatever.*"¹⁸

The retrocession of Louisiana having been made in time of war, and General Berthier having written to his government on the 25th, Fructidor, An. 8, that the Spanish Minister, "had allowed him to understand that, at a general peace, the king might cede half of West Florida, situated between the left bank

¹⁵ White, 541.

¹⁶ 8 Stat., 206.

¹⁷ 27 U. S. (2 Pet.), 307.

¹⁸ State Papers, Public Lands, V, 708; White, p. 520.

of the Mississippi and the river Mobile," General Beurnonville was commissioned to conduct this new negotiation after the peace of Amiens. General Beurnonville received full powers to negotiate the exchange of the two Floridas in return for the Duchy of Parma, which was to be ceded by France to his catholic majesty, and to be added to the kingdom of Etruria,¹⁹ and the French emissary was even provided with a plan of such treaty, which specifically mentioned that the two Floridas were bounded on their northern limits by the line of demarcation fixed by the treaty of friendship, limits and navigation executed by Spain and the United States on Oct. 27, 1795. But this new negotiation did not produce any result. Spain kept the Floridas, and the impending rupture of the treaty of Amiens induced the French government to transfer Louisiana to the United States.²⁰

In the treaty between France and the United States, which was actually signed on Monday, May 2, 1803, but dated on Saturday, April 30, 1803, Article I, contained a description of Louisiana, in which certain words and phrases were inserted, which afterwards gave rise to so much dispute between the United States and Spain, concerning the import whereof, it was argued, pro and con, as to whether or not Spain, in executing the treaty of St. Ildefonso, had so parted with its title to West Florida as to enable France to thereafter validly cede same to the United States under the comprehensive name of "*the colony or province of Louisiana*," the italicized words being the new language in the treaty between France and the United States, which does not appear in the treaty to which Article I of the treaty of 1803 referred:

"Article I: Whereas, by the article, the third of the treaty concluded at St. Ildefonso, the 9th Vendemaire, An. 9, (October, 1800), between the first consul of the French Republic, and his catholic majesty, it was agreed, as follows:

"His catholic majesty promises and engages on his part, to *retrocede* to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has *in the hands of Spain, and that it had when France possessed it; and such as it should be*

¹⁹ 50 U. S. 295.

²⁰ White, 511-512.

after the treaties subsequently entered into between Spain and other States."

"And, whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever, and in full sovereignty, the said territory, with all rights and appurtenances, *as fully and in the same manner as they have been acquired by the French Republic*, in virtue of the above mentioned treaty concluded with his catholic majesty."²¹

In March of 1801, Rufus King, the American Minister at London sent the first intimation to Madison, Secretary of State, of a rumor of the cession of Louisiana and of the Floridas to France. It is stated that this news was allowed to leak out through the action of Don Manuel Godoy, the Spanish Minister, at Madrid, known as the "Prince of Peace," and the arch enemy of Napoleon, who contrived to let a copy of the secret treaty fall into the hands of the American Minister at London.²²

The United States having no Minister at Paris after the unfortunate affair of diplomacy, known as the case of the "X-Y-Z" papers, on Sept. 28, 1801, Robert R. Livingston was sent post haste to France to see if France could not be induced to turn over to the United States the two Floridas, if they had been included in the cession to her from Spain.²³

Several motives actuated the United States in seeking to acquire West Florida. One was the necessity of getting a sea coast with ports of entry for the hinterland lying beyond the littoral of the Atlantic seaboard. But the more immediate cause was the desire of the United States to allay the rage of the settlers of Kentucky and that part of Tennessee, whose right to navigate the Mississippi was shut off by the abolition of the right of deposit at New Orleans on Oct. 16, 1802, by the Intendant Morales, which right had been guaranteed them by the treaty of 1795 between Spain and the United States.²⁴

After Livingston reached France, he began a series of protracted and persistent negotiations for the purchase of the

²¹ White, 196; 8 Stat., 206.

²² Smith, 50-55.

²³ Off. Corr., 3-7; Gayarré, 450-454.

²⁴ Fortier, *Hist. of La.*, Vol. II, Ch. 10.

Floridas and the City of New Orleans, and the island on which it stood. On Oct. 26, 1802, in a conversation with Joseph Bonaparte, Livingston learned of a possibility of getting the Colony of Louisiana instead of the Floridas, which Livingston answered by stating that the United States preferred not to extend its boundaries west of and across the Mississippi river.²⁵

Because of the information received from Livingston, and at the request of Jefferson, on Jan. 12, 1803, the Committee of Congress approved a resolution to appropriate Two millions of dollars to enable the President to negotiate for the purchase from France or Spain of the island of New Orleans and the two Floridas.²⁶ Napoleon, later, hearing of this suspected that the money was to be used for bribery, and becoming particularly suspicious of Talleyrand, made use of Marbois in the final negotiations. On Jan. 18, 1803, James Monroe was sent over to France as Minister Plenipotentiary and Envoy Extraordinary, with explicit instructions to purchase New Orleans and the Floridas. He arrived in Paris, April 11, 1803, on the very same day that Talleyrand put out the first "feeler" to Livingston seeking to ascertain what the United States would pay for the *whole* of Louisiana.²⁷

On Easter Sunday, April 10, 1803, the day before the arrival of Monroe, Napoleon immediately after his return from Church suddenly decided to sell the *whole* of Louisiana, after a protracted discussion with Decres and Marbois, his Ministers.

Between 11 P. M., and midnight of April 12, Livingston, at a secret conference at the home of Marbois then received the first definite news that Napoleon had said on Easter Sunday to Marbois, "Well, you have charge of the treasury; let them give you one hundred million francs, and pay their own claims, *and take the whole country.*"²⁸ Marbois frankly admitted to Livingston that Napoleon had asked too much money for the country.

Some further discussion ensued, and on April 27th, Marbois at a conference with Livingston and Monroe produced his first draft of the treaty, but at this conference only financial questions were discussed, because on Friday, April 29th, the price was finally settled on,—the United States to pay eighty millions of francs, which included about twenty millions of francs owed by

²⁵ Off. Corr., 59.

²⁶ Off. Corr., 84.

²⁷ Off. Corr., 81.

²⁸ Off. Corr., 161.

France to American citizens. Napoleon's bed rock price at which he was willing to sell, was fifty millions net to France;²⁹ and, by a strange coincidence that was the exact amount which the American negotiators offered to pay for the two Floridas and New Orleans, and greater than the sum it was originally contemplated to offer for the territory desired.³⁰ As a matter of fact the letters of instructions and powers issued by the United States to Livingston and Monroe did not authorize them to purchase anything but the Floridas and New Orleans, and because the American envoys had retained their commissions of authority the French did not discover that they were dealing with emissaries who had no power to make the bargain they struck.³¹

While the final terms of the sale were agreed to on Saturday, April 30th, it was not until some time on Sunday night, May 1, 1803, at the home of Marbois that Livingston and Monroe finally reached an understanding with the French Minister of the Treasury as to *how the property sold was to be described*.³² This was the description given above, which, it seems was purposely made obscure at the command of Napoleon, and was written out first in French and signed on Monday, May 2nd, the English copy being executed several days thereafter. How the United States actually financed this gigantic transaction is ably set forth in an excellent article by J. E. Winston and R. W. Colomb.³³

It seems apparent that, ahead of the time when official protests were made by Spain regarding the sale of Louisiana to the United States, the Spanish King must have gotten wind of the transaction completed on May 2, 1803, and evidently wishing to forestall the effect of an interpretation of the order given at Barcelona on Oct 15, 1802, which would deprive Spain of West Florida, Salcedo and Casa Calvo, the Commissioners charged by the Spanish King to deliver the province of Louisiana to Gen. Victor, at New Orleans on May 18, 1803, issued a proclamation in order to clear up any doubt as to what *was not* included in the transfer about to take place:

"His Majesty, in consideration of the obligations imposed by treaties, and wishing to avoid the differences which might arise, has been pleased to resolve that the delivery of the colony and island of New Orleans, which is

²⁹ Gayarré, 522.

³⁰ Off. Corr., 165-168-173-191-198-269.

³¹ Off. Corr., 122-173-220.

³² Off. Corr., 170.

³³ *La. Hist. Qtrly.*, Vol. XII, 189.

to be made to Gen. Victor, or other officer lawfully authorized by the government of the French Republic, shall be made in the *same manner* that it was ceded by France to his Majesty, by virtue of which the limits of both shores of the river St. Louis, or Mississippi, shall remain irrevocably fixed by the seventh article of the definitive treaty of peace concluded at Paris on the 10th of February, 1763, and consequently the settlements from the river Manchack, or Iberville, to the line which divides the American territory from the dominions of the King *shall remain in the possession of Spain, and annexed to West Florida.*"³⁴

Notwithstanding the fact that on Feb. 17, 1803, Charles Pinckney, United States Minister at Madrid, was writing to Cevallos, Spanish Minister, offering to buy the two Floridas and New Orleans, it appears that immediately upon the execution of the treaty of April 30, 1803, the American representatives began to scan most carefully all available records to learn whether or not, under the terms of their purchase, the muchly desired country had been included in the transfer, although, again, as late as May 18, 1803, Monroe was writing, first to Madison, informing him that it was the intention to still seek to acquire the Floridas and New Orleans,³⁵ because at the same time he was also writing to Talleyrand seeking to obtain his support at the Court of Spain for his projected negotiations for the acquisition of the two Floridas and New Orleans.³⁶ Talleyrand, under date of Dec. 21, 1804, finally gave it as his opinion that the treaty of April 30th, 1803, did not convey the Floridas and New Orleans to the United States.³⁷ But it must be remembered that Talleyrand was not allowed by Napoleon to act as a negotiator in the sale of Louisiana

Yet, from a study of the chronology of this historic transaction it is apparent that the American negotiators were not only very industrious and energetic, but that they were *learning* things quite rapidly, because, under date of May 20, 1803, two days after Monroe had written to Talleyrand, still making efforts to buy the Floridas and New Orleans, Livingston was writing to Madison that he had that day called on Marbois to ascertain if Mobile had been included in the cession, and what was the *eastern boundary* of the property ceded, and Marbois had replied, "He did not

³⁴ State Papers, Public Lands, V. 709.

³⁵ Off. Corr., 198.

³⁶ White, 514.

³⁷ White, 518-520; State Papers, Foreign Relations, II, p. 635.

know; we must take it as we received it." And, continued Livingston, "How did Spain mean to give possession," and Marbois had replied, "according to the words of the treaty." Livingston stated he had then pressed the subject further by asking, "But what did you mean to take?" and Marbois parried the question by replying, "I do not know." Then, answered Livingston, "You mean that we shall *construe* it our own way?", whereupon Marbois ended this singular conversation by stating, "*I can give you no directions; you have made a noble bargain, and, I suppose, will make the most of it.*"²⁸

Livingston, in summarizing the evasive remarks of Marbois to his Chief, the Secretary of State, then made this pointed suggestion:

"Now, sir, the sum of this business is, to recommend to you, in the strongest terms, *after having obtained possession*, to insist upon this as a part of your right; and to take possession, at all events, *to the river Perdido*. I pledge myself that your right is good; and, after the *explanations* that have been given here, you need apprehend nothing from a decisive measure. Your Minister here and at Madrid, can support your claim; and the time is *peculiarly favorable* to enable you to do it without the smallest risk at home. It may also be important to anticipate any design that Britain may have upon *that* country, (West Florida). Should she possess herself of it, and the war terminate favorably to her, she will not readily relinquish it. With this in your hand, East Florida will be of little moment, and may be yours, whenever you please. At all events, *proclaim your right and take possession.*"²⁹

It seems that immediately after the execution of the treaty Monroe had requested Livingston to prepare a memoir of his views regarding the extent of the territory they had just purchased for the United States. It was Livingston's view, however, that it was not necessary to probe that question until future circumstances should render it necessary. As Livingston expressed it in his letter of May 20, 1803, to Madison, "possession being nine points of the law," it would be plenty of time in the future, he thought, to examine into the question of description when the "right" to take was seriously questioned. Monroe disagreed with this view, and held that it was his duty from the moment the

²⁸ Off. Corr., 199; Adams, II, 68-69.

²⁹ Off. Corr., 199-201.

treaty was concluded, to examine all authentic documents to ascertain correctly the *limits* of Louisiana. Apparently the underlying and scarcely concealed jealousy existing between the two American negotiators broke out once more at this stage of the proceedings, because Monroe, in writing to Livingston, under date of May 23, 1803, denied that, in asking Livingston for a memorandum on the subject of the authentic proof to support the American claims to the Floridas and New Orleans, had done so because he, Monroe, did not have the leisure to make a study of the subject himself; that his real motive in so asking was, that each of them should examine the subject separately, and then communicate his views to the other, whereupon, in order to make good this assertion, Monroe expressed his views regarding the *limits* of Louisiana, as follows:

"Having also examined the question and committed my ideas to paper, I shall have the pleasure to communicate them to you at our first interview. I shall only observe at the present that we perfectly agree in the opinion that Louisiana, as it was in the hands of France prior to 1763, *extended to the river Perdido*, and that it was restored to her by Spain, in the treaty of St. Ildephonso, precisely in the same extent; That the reservation contained in the last member of the article, which respect the subject, is in favor of the United States only, intended to secure their rights under their treaty with Spain in 1795.

I also think with you that the communications of the Spanish Minister at Madrid, to Mr. Pinckney tend to confirm this doctrine. But in tracing this subject under the several treaties which respect it, I had a difficulty on a point which appeared to me to be of some importance,—Did France *dismember* the country while she possessed it?

It is not material to how many powers she granted it, provided it was at one and the same time, that is, that it did not remain her property in a dismembered state.

At first I was led to fear that a strong argument might be drawn against us from this source. The secret treaty by which New Orleans and the western bank of Louisiana was ceded to Spain bears date of the third of November, 1762; the order of the King to his Governor for the surrender of it on the 21st of April, 1764, and the actual surrender did not take place till some years afterwards, according to one of the papers which I have seen,—not till August 18th, 1769. The treaty between France, Great Britain, and Spain by which the part since called West Florida, was ceded to Great Britain, bears date on the 10th of February, 1763. I presume that the cession of a country

takes its date from the treaty making the cession, not from the surrender: But in the present case whether we date the cession referred to, under the secret treaty of 1762, to Spain from the one or the other epoch, the effect would be the same. If these were the only facts in the case, it might be said that there was a *dismemberment* of Louisiana in the hands of France. Happily these are not the only facts existing; by a note in one of the books I have obtained, it appears that the preliminary articles of the treaty of 1763 *were actually signed on the same day* with the secret convention above mentioned, and, of course, that the transfer of the *whole* country by France *was made on the same day*. I presume that this note may be relied on, and verified by reference to authentic documents, to which access may be had. I communicate its contents with pleasure because it seems to *place beyond all controversy our rights to West Florida* under the treaty we have lately formed with France."⁴⁰

Accordingly, as a result of the exchange of views between the American emissaries, under date of June 7, 1803, a joint letter was written by Livingston and Monroë to Madison, in which, apparently, for the first time they officially and decisively expressed their views with reference to the supposed inclusion, or exclusion of West Florida, in the act of retrocession by Spain to France in 1800, for on this occasion they say:

"We are happy to have it in our power to assure you, that, on a thorough examination of the subject, we consider it incontrovertible that West Florida is comprised in the cession of Louisiana. West Florida was a part of Louisiana when it was in the hands of France, and it was not in her hands in any other situation. The transfer of the *whole* was on the same day, the 3rd of November, 1762, that being the day of the secret convention between France and Spain, and of the preliminary articles of the treaty of the 10th of February, 1763, between those Powers and Great Britain. The treaty of 1783 between Britain and Spain, by which the Floridas were ceded to the latter, put Louisiana in her hands in the same *state* it was in the hands of France; and the remaining or third member of the article in the treaty of St. Ildefonso, between France and Spain, under which we claim, by referring to that of 1783, (as to that between Spain and the United States of 1795), and of course in the above character, only tends to confirm this doctrine. We consider ourselves so strongly

⁴⁰ Off. Corr., 218-219.

founded in this conclusion, that we are of opinion the United States should act on it in all the measures relative to Louisiana, in the same manner as if West Florida was comprised within the island of New Orleans; or lay to the west of the river Iberville, and to the lakes through which its waters pass to the ocean. Hence the acquisition becomes *proportionately of greater value to the United States.*"⁴¹

By August 1, 1803, Spain had learned of the cession of Louisiana to the United States and issued a protest, basing her objection on the claim that the French Ambassador, at the time Louisiana was ceded by Spain to France, had promised in the name of the French Consul, that France would never again alienate the territory, to which the French Government replied that if such promise had been made, it had not been incorporated in the treaty of St. Ildefonso.⁴² This protest was formally lodged with the United States by the Spanish Minister at Washington on Sept. 4, 1803. However, on Feb. 10, 1804, the Spanish King formally abandoned all opposition to the sale of Louisiana to the United States, but this was confined to the territory west of the river because the Spanish Government not only declined to deliver up the Floridas, but kept up a series of diplomatic claims and protests with the United States for sixteen years.

During the years 1817-1818, considerable correspondence went on between Don Luis de Onis, Spanish Minister at Washington, and John Quincy Adams, Secretary of State, relative to the disputed claims of ownership of Spain and the United States to West Florida. By resolution of the House of Representatives of date Feb. 24, 1818, President Monroe laid this correspondence before Congress. This correspondence reviewed at great length, and elaborated with considerable particularity all of the historical, physical and political facts which were involved in the discovery and settlement of the two Floridas, the main points of which are set forth above.

But in a lengthy and minute memoir, on the style of a legal argument, Secretary Adams, in addressing himself to Don Luis de Onis, under date of March 12, 1818, epitomized the main points on which the conflicting rights of the two nations were founded, in respect to their claims of ownership, as follows:

⁴¹ Off. Corr., 212-213.

⁴² Off. Corr., 239-242-250.

"ON THE PART OF THE UNITED STATES

- (1) The discovery of the Mississippi, from near its source to the ocean, by the French from Canada, in 1683.⁴³
- (2) The possession taken and the establishment made by LaSalle, at the Bay of St. Bernard, east of the rivers Trinity and Colorado by authority of Louis XIV, in 1685.
- (3) The charter of Louis XIV to Crozat in 1712.⁴⁴
- (4) The historical authority of Dupratz and Champigny, and of the Count de Vergennes.
- (5) The geographical authority of DeLisle's map; and especially that of the map of Don Thomas Lopez, geographer to the king of Spain, published in 1762. These documents were all referred to in the letter of Messrs. Pinckney and Monroe to Mr. Cevallos, of the 20th of April, 1805. Since which time, and in further confirmation of the same claims, the government of the United States are enabled to refer you to the following:
- (6) A map published by Homann at Nuremberg in 1712.⁴⁵
- (7) A geographical work, published in 1717, at London, entitled *Atlas Geographicus*, or a complete system of Geography Ancient and Modern, in which the map of Louisiana marks its extent from the Rio Bravo to the Perdido. In both these maps, the fort built by LaSalle is laid down on the spot now called Matagorda.
- (8) An official British map, published in 1755, by Bowen, intended to point out the boundaries of the British, Spanish and French Colonies in North America.
- (9) The narratives published at Paris, of Hennepin, in 1683; of Tonti, in 1697; and of Joutel, in 1713.
- (10) The letter of Colonel LaHarpe to Don Martin D'Alarconne, of 8th of July, 1719, (annexed as an exhibit).
- (11) The order from the French Governor of Louisiana, Bienville, to LaHarpe of 10th August, 1721, (annexed as an exhibit).
- (12) The geographical work of Don Antonio de Alcedo, a Spanish Governor; this work and the map of Lopez having been published after the cession of Louisiana to Spain in 1762.

ON THE PART OF SPAIN

- (1) The voyages of Ponce de Leon, Vasquez de Ayllon, Panfilo de Narvaez, Hernando de Soto, Luis Moscoso, and other Spanish travellers in the sixteenth century, who never made any settlement upon any of the territories in question, but who merely travelled.

⁴³ French, *Hist. Coll.*, 1846, p. 45.

⁴⁴ White, 188; State Papers, Vol. V, 707.

⁴⁵ Plate III.

- (2) The establishment of the new kingdoms of Leon and Santander, in 1595, and the province of Coahuila, in 1600.
- (3) The province of Texas, founded in 1690."⁴⁶

The whole controversy regarding the disputed rights of ownership of West Florida was finally and definitely set at rest by the treaty of Feb. 22nd, 1819, between the United States and Spain; and the United States not only became from that date the undisputed owner of West Florida, but of East Florida as well, and of that further portion of the present State of Louisiana, *which was not a part of LaSalle's Louisiana*,⁴⁷ lying west of the Red River, and approximately, the Atchafalaya River, and bounded on the west by the Sabine river, the pertinent portions of the treaty reading, as follows:

"Article II. His catholic majesty cedes to the United States, in full property, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida—

Article III. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32nd deg. N. latitude; thence by a line due north, to the degree of latitude, where it strikes the Rio Roxo of Natchitoches, or Red River—the whole as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818."⁴⁸

In December, 1805, President Jefferson, in a message to Congress complained that Spain, to the west of the Mississippi, claimed as a boundary, a "line which would have left us but a string of land on that bank of the Mississippi."⁴⁹

It was later claimed that the United States in thus agreeing to the Sabine river as the western boundary gave up the Texas territory, which the Spaniards were willing also to cede, and thus the later heroic history of the Texan struggle for independence was made possible.

West Florida was officially surrendered by Spain to the United States at Pensacola, Florida, on July 17, 1821, Jose Callova

⁴⁶ Dip. Corr.

⁴⁷ Bond, 3-4.

⁴⁸ White, 208-209; 8 Stats., 252.

⁴⁹ Messages of the Presidents, Vol. I, 389.

acting as Spanish Commissioner and Andrew Jackson for the United States.⁵⁰

Because of the fact that the Spaniards remained in actual physical possession and exercised rights of sovereignty in West Florida until 1821, when they were physically ousted by General Andrew Jackson, and because of the fact that they knew they must eventually have to get out, the Spanish authorities began to issue land grants in wholesale fashion, and it was necessary for Congress to pass special laws on the subject.

As a result much litigation later arose between property owners holding conflicting land grants from the United States and the Spanish authorities, issued between 1803 and 1821. Consequently, the vital question arose as to who actually owned West Florida, after the treaty of St. Ildefonso, and the treaty of April 30, 1803, soon became a judicial question. In a case originating in the District of Feliciana, some thirty miles east of the Mississippi river, the Spanish government had granted to one Jayme Jorda, a patent for 40,000 arpents of land, which grant was ratified by the Spanish king on May 29, 1804.

James Foster and Pleasant Elam, successors in title to this grant brought suit in the District Court of the United States at New Orleans against David Neilsen to have the validity of the Spanish grant recognized. The plaintiffs were represented by Daniel Webster in the United States Supreme Court, where the case finally ended.

The Court, in 1829, speaking through Mr. Chief Justice Marshall, reviewed at length all of the political history of the cession of Louisiana, in regard to the matter of the inclusion, or exclusion of West Florida in the Louisiana Purchase, by the terms of the treaty of 1803, and, in part, the Chief Justice said:

"The case presents this very intricate, and at one time very interesting question: To whom did the country between the Iberville and the Perdido rightfully belong, when the title now asserted by the plaintiffs was acquired? This question has been repeatedly discussed with great talent and research by the governments of the United States and that of Spain. The United States have perseveringly and earnestly insisted, that by the treaty of St. Ildefonso, Oct. 1, 1800, Spain ceded the disputed territory as a part of Louisiana to France; and that France, by the Treaty of April 30, 1803, ceded the same to the United States. Spain has

⁵⁰ State Papers, Public Lands, V, 726.

with equal perseverance and earnestness maintained, that her cession to France comprehended that territory only which was at the time *denominated* Louisiana, consisting of the island of New Orleans, and the country she received from France, west of the Mississippi river—

After these acts of sovereign power, (by the American government), over the territory in dispute, asserting the American construction of the treaty by which the government claims it, to maintain the opposite construction in its own courts would certainly be an anomaly in the history and practice of nations,—A question like this, respecting the boundaries of nations, is, as has been truly said, more a political than a legal question; and in its discussion, the courts of every country must respect the pronounced will of the legislature,—

We are of opinion, then, that the court committed no error in dismissing the suit of the plaintiff, and that the judgment ought to be affirmed."⁵¹

While the foregoing decision may be regarded as the leading case in Federal jurisprudence, it is reasonable to believe that the distinction of priority in establishment of the principles enunciated must be accorded to the Supreme Court of the Territory of Orleans, and Judge F. X. Martin in particular, whom it seems, some nineteen years earlier discussed the same identical propositions, with this difference, that while the case before Chief Justice Marshall involved real estate, the case before Judge Martin concerned the title to or possession of a negro woman slave.

In the year 1810 there came before Judge Martin a suit involving the seizure of a negro female slave whose owner lived in the village of Montesano, near Baton Rouge. This slave had been seized under a law which authorized such process, "for the recovery of a debt due from a person residing *out* of the Territory of Orleans." In order to effect the release of the slave, the owner, Skipwith, proceeded to demonstrate that the village of Montesano was within that part of West Florida, which had been acquired by the United States under the treaty of 1803, subsequently erected into the Territory of Orleans by Act of Congress, (7 Laws, U. S., 112).

Anticipating Chief Justice Marshall, Judge Martin in deciding the case proceeded to review the historical and political facts of the Colony or Province of Louisiana from the commence-

⁵¹ 27 U. S. 253; 2 Peters, 253.

ment of French occupation in 1698, through the time when its alleged dismemberment by France to England and Spain in 1762, down to the Acts of Congress establishing the government of the United States in West Florida as far east as Mobile. It is most interesting to note the striking similarity of language and thought of these two pre-eminent jurists, when we note Judge Martin's remarks in holding that part of West Florida in which the village of Montesano was located had been acquired by the United States under the Louisiana Purchase:

"It follows that by the law of the land, by a treaty constitutionally made, according to the construction and interpretation of Congress, West Florida has become the domain of the United States, and has been, by the Act establishing this Territory, included within the limits of it. Congress are the legitimate interpreters of treaties. To their interpretation every citizen is obliged to submit . . . When a sovereign takes possession of a tract of country respecting which the claim of a foreign power comes in collision with his own, his courts of justice cannot inquire into the validity of his title. It suffices for them that the new territory has been de facto annexed to the general domain. Whether the annexation violates the rights of another power is a political, not a legal question . . . This Court, (therefore), cannot refuse to recognize the inhabitants (of West Florida) as entitled to the protection of, and subject to the laws of the (Orleans) Territory."⁵²

In 1850 the Supreme Court of the United States had occasion again to review the question whether West Florida had passed over to the sovereignty of the United States by the Treaty of 1803. The first case was that of the United States vs. Reynes involving a large tract of land on the river Comite amounting to 40,000 arpents granted to Don Jose Reynes,⁵³ and the second case was that of Davis vs Police Jury of Concordia Parish, involving the grant of an alleged exclusive ferry franchise by the Spaniards to one Thomas Thompson on February 19, 1801.⁵⁴ In both of these cases the Court reaffirmed its dicta announced in its earlier decision. The matter of the ferry franchise is extensively reviewed in the "History of Concordia Parish" by Robert Dabney Calhoun.⁵⁵

⁵² *Newcomb v. Skipwith*, 1 Martin, O. S., 151.

⁵³ 50 U. S. (9 Howard), 127.

⁵⁴ 50 U. S. (9 Howard), 280.

⁵⁵ *La. Hist. Qrtly.*, Vol. 15, No. 1.

Louisiana was the fourth State to be admitted to the Union of the original thirteen States, and the first State to be carved out of the Louisiana Purchase, and at the time of its admission met considerable opposition from the Federalist party in Congress on constitutional grounds,⁵⁶ and on the death of President Jefferson who had championed the admission of the State of Louisiana into the Union, on March 16th, 1827, the legislature of Louisiana, in token of gratitude, appropriated the sum of \$10,000.00, which it ordered transmitted to Thomas Jefferson Randolph for the benefit of the family of Thomas Jefferson.

There are very few instances in the histories of nations where such a large accession of territory was achieved through the medium of barter and sale. On November 4th, 1803, Thomas Jefferson, in writing to Livingston, advising him of the ratification of the cession thus commented on the matter:

"This transaction has been conducted from the commencement of the negotiations of this state of it, with a frankness and sincerity honorable to both nations, and comfortable to the heart of an honest man to review."⁵⁷

But it remained with Livingston, who at the time of the placing of signatures to the cession at Paris, with true prophetic foresight, to envision the future expansion of the United States through the deal then closed, and to characterize the manner in which this monumental project had been negotiated, to the eminent satisfaction of both sides, when, in addressing himself to Marbois, he said:

"The treaty we have just signed has not been brought about by pressure, nor dictated by force. Equally advantageous to both the contracting parties, it will change vast solitudes into a flourishing country. Today the United States take their place among the Powers of the first rank. Moreover, if wars are inevitable, France will have in the new world a friend increasing year by year in power, which cannot fail to become puissant and respected on all the seas of the earth. These treaties will become a guarantee of peace and good will between commercial states. The instrument we have signed will cause no tears to flow. It will prepare centuries of happiness for innumerable generations of the human race. The Mississippi and the Missouri will see them prosper and increase in the midst

⁵⁶ Gayarré, Ch. VI.

⁵⁷ *Off. Corr.*, 263.

of equality, under just laws, freed from the errors of superstition, from the scourges of bad government, and truly worthy of the regard and care of Providence."⁵⁸

LIST OF SPANISH GOVERNORS OF WEST FLORIDA

Arturo O'Neill, from May, 1781, until November, 1782.
 Enrique White, from August, 1793, until November, 1795.
 Fransisco de Paula Gelabert, from May, 1796, to September, 1796, as ad interim.
 Vizente Folch y Juan, from November, 1796, until March, 1809.
 Fransisco Maximiliano de St. Maxent, from March, 1809, until May, 1809, as ad interim.
 Vizente Folch y Juan, May, 1809, to October, 1809.
 Fransisco Maximiliano de St. Maxent, from December, 1809, until October, 1810, as ad interim.
 Fransisco Collell, from October, 1810, until February, 1811, as ad interim.
 Fransisco Maximilano de St. Maxent, from April, 1811, until June, 1812, as ad interim.
 Mauricio Zuniga, from July, 1812, until April, 1813.
 Matheo Gonzales Maurique, from May, 1813, until August, 1813.
 Matheo Gonzales Maurique, from August, 1814, until February, 1815.
 Joseph de Soto, from February, 1815, until March, 1816.
 Mauricio de Zuniga, from March, 1816, until September, 1816.
 Fransisco Maximiliano de St. Maxent, from September, 1816, until November, 1816, as ad interim.
 Joseph Masot, from November, 1816, until May, 1818.
 Joseph Maria Callava, from February, 1819, until July, 1820.⁵⁹

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⁵⁸ O.T. Corr. 291.

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FRENCH INCERTITUDE IN 1718 AS TO A SITE FOR, NEW ORLEANS

**Instructions for M. Duvergier, Director, Ordonnateur of the
Colony of Louisiana concerning the different operations he
is to make for the improvement of the establishment
of the Colony, September 15, 1720**

TRANSLATED FROM MARGRY, VOLUME 5, PAGE 616

By Sally Dart

PART II.

FOREWORD

IN THE previous paper under this title (Quarterly January, 1932, p. 37) it was indicated that the instructions to Duvergier from the Company of the Indies, dated September 15, 1720, was a link in the chain of evidence tending to show that the Company had not yet closed its mind to the consideration of another site for New Orleans. These instructions show that the idea still persisted that the Gulf Coast was to be the headquarters and center of authority. We have no source of information as to the life or career of Leon Michel Duvergier previous to his appointment in Paris on September 15, 1720, with a Commission as Director and Ordonnateur of Louisiana "to be at the head of the Council." He ruled here for a brief period and returned to France, and his name never again figures in our history.

Duvergier appears to have used the time between his appointment and his departure for Louisiana to obtain orders and regulations that would establish his position there practically free of the control of Bienville. Indeed, it has been said that he was invested with all the powers of an Intendant, an office previously unknown in Louisiana. Be this as it may, it is certain that the instructions of September 15, 1720, vested large powers in the new official. Bienville's resentment over this action of the home authorities was not concealed and after Duvergier's arrival at Biloxi in July, 1721, the former began to shape his course, to clip the wings of the new Ordonnateur and to assert his own prerogatives. Bienville not only sent his complaints and defenses to

the Council of the Company at Paris, but he rallied the land owners and other people of the Colony to his support.

In August, 1721, before he had been on duty a month, Duvergier began to report to the Company that the land owners were making trouble, particularly in regard to the displacement of Bienville from the Council and he asked permission to return to France. His reports during the remainder of the year show that Duvergier was not enjoying his job. It may be accepted that he received little assistance from Bienville, or the other officials in the effort to carry out his instructions.

It is believed that failing to obtain permission to return, he left the Colony in the Spring of 1722, loaded with charges and accusations against Bienville (Grace King, *Bienville*, p. 262). We lose sight of Duvergier at this point and temporarily Bienville had won another victory for New Orleans. It may well be that Duvergier's reports against him was the cause or one of the causes that induced the Company to appoint Sauvoy and de la Chaise in December, 1722, to investigate the situation in New Orleans.¹

SALLY DART.

INSTRUCTIONS FOR MR. DUVERGIER, SEPTEMBER 15, 1720

MARGRY, V, p. 616

SEPTEMBER 15, 1720.

On his arrival in Louisiana he will have a conference with the Commandant General and the Engineers, to inform himself of the arrangements they have made for the fortifications of different posts, that it has been thought expedient to fortify.

As Ship-Island needs their first attention, they must start with this post, so that the ships anchoring there will be immediately protected from the enemy. The construction of this fort demands much thought on the part of the Ordonnateur; he must avoid making the plan too vast, thereby saving the Company a useless expense. In a country where it is not necessary to have regular posts (p. 617) it will be sufficient if this fort includes land proportionate to the warehouses necessary for provisions and perishable merchandise, some houses for the employees and lodgings for the troops; they should also build cisterns there.²

¹ See the paper printed elsewhere in this number entitled "A Famous Event in the French Colonial History of Louisiana," covering the instructions to these investigators.—Ed. *La. Hist. Qy.*

²The text "citernes" probably contemplated wells or underground cisterns.

For the heavier merchandise, such as masts, planks, timber, rosin, tar, resin, and furs, they shall construct sheds or sheltered buildings under the protection of the canon of the fort. This will be a less expensive and a quicker operation. It is the intention of the Company that one of the Directors-General make his residence at Ship-Island, with the necessary number of clerks to supervise the loading and unloading of ships. This Director will try to establish at Ship-Island a poultry-yard filled with fowls, and a vegetable garden as large as possible, in order to produce fresh provisions for the vessels arriving from Europe.—The Company has been informed that this Island is all sand, but wishes seeds to be planted there, because it knows certain sands yield better produce than the best earth. In planning this fort the engineers must endeavor to make it formidable to the sea, so that the vessels anchoring there will be completely protected under its guns.

The Ordonnateur will send the plan to the Company as soon as they decide to start work. He will also remit to the Company a statement of the number of canon he can place there (p. 618) and a (statement) of those he finds in the colony, and if he has need of them, he will ask for more with the (proper) number of balls, munitions and equipment. The Company will have them sent there if he requires it.

When the Company has finished the fort at Ship-Island, the Ordonnateur will use the same idea for the other posts in need of fortification, in other words in order to avoid making the fortified places as pretentious as those in Europe, it will suffice that the enceinte surround only the buildings necessary for provisions and perishable merchandise, equipments of war, the lodgings of the clerks and the troops and that the rest be constructed around the fort and under, (the protection of) its canon. The principal posts the Company has agreed to fortify are, Ship-Island, Alabama and Ouabache. The least important are Biloxi and Illinois. There is little to fear for this post as it is well inland and Biloxi is somewhat protected by Ship-Island. In addition these two forts should be smaller than the others.

The large number of people the Company has sent to the Colony, and the maladies they suffer due to the change of climate, require the immediate establishment of a Marine hospital near the most settled place. The Company believes Cat-Island will be the most convenient as it is a short distance from Biloxi and

within reach of Ship-Island. It will be useful for curing contagious diseases. With this in view (p. 619) the Ordonnateur will go to this island, and if he finds a good location, he will make immediate arrangements for building the said hospital. This building must have a poultry-yard and a vegetable garden to furnish the sick with fresh provisions of all kinds. The Company will not accept Cat-Island for this establishment if the obstacles are too great. On the contrary the choice of the place will be left to the Ordonnateur, and he is to reject the Company's suggestion, if he finds a better place.

The Ordonnateur will go to Biloxi, which he must consider the main office and headquarters of the Company. He is to have his ordinary residence there except when he is needed elsewhere. He must be careful to have this post fortified according to the intentions of the Company, and to establish there convenient and spacious warehouses; they must be large and solid in consideration of this post becoming more important every day. The intention of the Company is to have a small fort constructed at Biloxi, but as it will not protect the coast sufficiently, some batteries should be established in the most convenient places and on a level with the water and protected by the canon of the fort, or elsewhere if considered expedient.

After providing for the land establishments of the coast nothing requires more attention from the Ordonnateur than the formation of a marine in all the larger posts. The neglect in the colony of boats which the Company has sent to be built, the waste (p. 620) of the riggings, and the inexecution of the orders in this respect have retarded up to the present the most useful operations of the Company. It will be absolutely necessary to correct this condition, otherwise there will be no communication with the interior of the Colony. The Ordonnateur will give his strict attention to the construction of as many boats as possible. He will appoint at Biloxi or Ship-Island a keeper for the riggings, furnitures and equipments for the whole marine. He will have a boatswain to attend to the preservation of the boats, and who will render account to the keeper of the expenditures in the form of an inventory of the riggings, furnitures and equipments, which he will have placed on each passage-boat, barge, shallop or pirogue, the master or captain of which will be charged to render account to the said boatswain. He will send out no boats without the order of the boatswain, and in order to prevent

the loss of any, he will establish a guard in the port where they are to be moored. All the sailors are to be under his orders and if there is need of an aid, one will be given him.

The Colonists whom he will have to transport to the interior of the Colony, will go up on the boats from Biloxi, as far as the upper part of Lake Maurepas and to the mouth of the Manchac stream which empties into the Mississippi. It will be necessary that the Ordonnateur start a settlement at this entrance of the river on the shore he judges most convenient. He ought to have a sufficient number of light boats to take the colonists arriving from the sea up the river as far as their (621) destinations. This post will need, as at Biloxi, a keeper of the riggings, boats and a boatswain to see to these buildings and to direct the sailors. He will have to establish there a poultry-yard and vegetable garden in order to procure provisions. It will be necessary to follow the Manchac stream as far as the Mississippi, in order to clear and to free it of some trees, which inundations have thrown across from one shore to the other.

The Ordonnateur will have to place a small supply of rigging and equipments in care of the clerk of the principal posts established along the river from the Manchac stream to the Illinois, so that the boats ascending and descending the river can receive aid from all directions in case of need. He should learn from travellers the number of colonists who are obliged to ascend, so that provisions can be prepared for them.

The Company has had sent to the Colony a considerable quantity of nails for construction, old and new cordages, sail-cloth and all that is useful to boats; one of the first obligations of the Ordonnateur will be to render an account of these and demand more of them, if he still has need of them. He will make a statement of the quantity he needs, to correspond with the order. He will do the same for all kinds of merchandise and will send special statements of what each post needs, so that the Company can have special bales made of them and have them marked in such a way that upon their arrival their destination can be known, and have them (p. 622) sent there unbroken. He will prepare letters or bills of lading of all those to be sent to each post, and compel the masters of the boats, who will be in charge of the transport, to bring back a receipt for them.

The marine being established on these arrangements, the transportation of the colonists must be pushed with diligence, and

the colony will soon take a new form. The boats from Manchac must never descend to the sea, to protect them from worms, and those from Biloxi must not go above Manchac. The transport of the colonists will always find at Manchac boats from Biloxi which will load the merchandise going down the river. As it is only by good order that a large establishment can be brought to perfection, the Ordonnateur must start this establishment with that aim in view. There is now in the Colony only the *Sieur Gac* as Director General, and many mistakes are laid at his door. Not long ago the Company sent the *Sieur Delorme* in the same capacity, and soon expects to send the *Sier Ginoux*, who is kept waiting in Spain. The Ordonnateur will make use of these three subjects if he finds them capable; he will have one of them reside at Ship-Island and will place the others, either near him or in places he thinks they will be most useful.

He will establish at Biloxi a keeper for the provisions, another for the incoming and outgoing merchandise, and a third to guard the riggings, apparel and equipments of the boats, lumber and others warning the latter to protect the furs, so that moths will not spread to the effects in his care. These three keepers (p. 623) will each have a clerk under him, and as many laborers as are necessary for the distribution of the incoming and outgoing merchandise, so that having only to give orders, they will be enabled to keep their accounts in perfect order. Two storekeepers will be sufficient at the post to be established at Manchac; the one will have the care of the provisions and various merchandise, the other will have charge of everything pertaining to the marine and returning merchandise.

In regard to the other establishments on the Mississippi a clerk for the different employments will be sufficient in as much as there will not be much movement there in the marine affairs; but a book-keeper must be established at Biloxi, with the necessary clerk under him so that he can keep a general account of the Colony, putting in writing all that enters or goes out, as well as that which may be consumed. Before New Orleans or Manchac can serve as a general depot for the interior of the Colony, a very intelligent book-keeper and principal clerk must be put there. In each post where the Company employs people a garden and poultry-yard must be established, also a hospital if the garrison is numerous.

Upon his arrival the Ordonnateur will be given a statement of all the employees and what they receive from the Company. He will see if they discharge their duties well, so that if they are not capable he can appoint others, and place the former where they will be most useful. He will also draw up a list of all the workmen (p. 624) in the Colony, maintained by the Company, and of those whom he judges the most suitable to keep in his service. On this list the places where they work and what they receive from the Company must be marked. This list will enable him, in rendering an account of their work, to see if the workmen are usefully employed, and to send some of them to places he sees they are most needed. He will carefully forward copies of these lists to the Company.

The Ordonnateur must give strict attention to the advancement of the establishment contemplated on the Alabama river. It is of infinite importance to protect that coast as soon as possible and to build a good fort there.

It will also be necessary to place a post at Ouabache which the English seem to have chosen as an approach. The Company orders the commander of the Colony to put a corps of troops in occupation of the entire front of this place to prevent the English from coming through. The Ordonnateur will establish a tannery there to dress the skins to be used there, this will prevent the moths from spoiling them, which is impossible at present, in spite of the precautions taken.

As correspondence with the interior of the Colony is interrupted every year by the floods in the Mississippi rendering it unnavigable, it will be advisable to make an overland route from Biloxi to Illinois. The Ordonnateur will attend to this. At least every month a man must go from Illinois to Biloxi and from Biloxi to Illinois, so that the Ordonnateur will always have information of the progress of the establishment of this first post, which the Company regards as the most important (p. 625) of the Colony on account of the returns it will bring, and be in a position where he can give the orders to send them help when required. The Ordonnateur will arrange for the execution of this article with the Commander of the Colony. They should contrive to establish perfect order in the posts where the trappers ("coureurs") and messengers pass so that the letters they leave there can be sent by express to the other posts nearby.

One of the first duties of the Ordonnateur will be to have the land cultivated so that living will be made easy, because this is the only means of lowering the price of labour and advancing the new establishment. He must therefore allow no lazy people in the Colony and force them to work by giving them nothing for a living; but, in order to encourage the intelligent ones to work well, he will advance them the necessary things to start their establishments and in distributing the negroes he will prefer the most industrious inhabitants. He will give furloughs to those soldiers who wish to be inhabitants and must advance them, on the most reasonable terms, negroes and effects which they will reimburse from the products, of their cultivation.

Rice grows in abundance along the Mississippi, and they are starting to cultivate it in other places in the Colony; in no time the inhabitants will procure an abundance of food. Tobacco should become one of the principal commodities (p. 626) of the Colony; it is advisable to leave to the new Colonists who wish to cultivate it, the choice of the most suitable land. The Company has fixed the latest price of tobacco of the first quality @ 25 livres, the second @ 20 livres, and the third @ 15.

Up to the present the fur-trade has been burdensome to the Company, because the greatest part sent to France has been spoiled by moths. However, one cannot refuse to receive them from the Indians without offending them, this being their only trade; therefore, he should continue this trade and arrange to have it only in the winter and take advantage of this season to send the skins to France which is the best way of preserving them. He should be able to get a large quantity of oxhide from the Ouabache, when our establishment is made there, but it will be necessary to tan them for preservation, and for this reason, to construct some bark-mills there. There are some tanners in the Colony, in the concessions, and among the thirty-six hired men ("engages") who have been sent there. As they must be useless in other places, some ought to be sent to the former.

There are some very good building material and some very fine masts in the Colony. In all its letters the Company has ordered some returns made on them, but up to the present this order has not been executed; poor excuses have always been given and the Directors pretended that no masts are found there (p. 627), yet Mr. de Champmeslin had masts made for the vessels of his squadron after the taking of Pensacola, and upon his return to

France, certified that there were some very fine ones on a little river emptying into the Bay of Pensacola. It will be most advantageous if the Company can procure returns on long timber. They are sending to the Colony a Company of 210 Swiss laborers, who can be partly employed cutting this wood.

There is no doubt that one day a quantity of silk can be taken from the Colony; everything there is suitable for that. The worms growing there are marvelous, and the mulberry trees are thick with them, but as they are scattered through the woods or in the canes, it is difficult to make use of them.

The Company has ordered in all its letters that concessioners be compelled to transplant trees around their homes. It is necessary to attend to this so that these gentlemen will in a short time produce considerable food for the worms in order to supply this trade, which they ought to regard as important.

As long as the Company has been in possession of Louisiana it has not ceased to try to find a means to trade with the Spanish. It has sent different successful plans, but has noticed with distress that the Commanders and Directors of the Colony have neglected to execute them. Anticipating the advantage of their commerce the Company gave new orders last February as follows: it positively recommended the making of a new establishment at St. Bernard Bay, where (p. 628) the construction of a fort had previously been ordered, and to make another establishment higher up the river Cannes, which empties into this Bay.

These establishments will enable us to make contact with the Indians of this Canton which will strengthen our forces against attacks from the Spanish who are very near some of them, the river Cannes having its source where their mines are situated. The great distance from their mines to the establishments, from which they get necessary aid and merchandise ought to make recourse to us inevitable.

The Company orders still another establishment at the head of the Arkansas river, in the direction of the Padoucas who are trading with the Spanish. Nothing must be neglected for the making of these establishments. The Company has suggested that it be sent lists of the quality and quantity of merchandise needed for the opening and maintenance of this commerce.

The Illinois Canton is full of silver, lead and copper mines, which ought to bring considerable returns to the Company, while being worked. A Company of miners has been sent to open these

mines and to start this work in order to set an example for the concessioners and inhabitants. The Sieur Renault's troop, composed of men skilled in this work, was sent at the same time to the Colony, but these two troops had not yet arrived in the Illinois, according to the latest news from the Colony. The Company strongly recommends that every effort be made to send them there without loss of time, (p. 629) and they must not neglect anything that can bring immediate returns of whatever kind they may be.

As a large quantity of rosin and tar can be made in the Colony, it is necessary to take prompt measures to procure considerable returns for the Company. A bargain has already been made with one named Belsaqui to furnish a barrel of tar at 8 livres in silver or 10 livres in bills of exchange or merchandise. He is to train a large number of workmen in his trade from some of the hired men and from the four negroes given him on the Company's account. But as the heat of the country melts the tar when put in barrels it would be wise to make a sort of cistern* into which to throw all the tar made during the summer, and when the heat diminishes, they can fill the casks to be loaded on the vessels going to France.

A long time ago the Company recommended the building of water-mills to grind the wheat and cut the planks. A mechanical engineer has been sent to work there, but as yet nothing has been done. Since then several engineers have been sent and a great number of workmen skilled in this sort of work, and as the country is watered by little rivers and streams and as all the wood necessary for these constructions is found there, it is to be hoped there will be no more delay in building them. (p. 630).

Perhaps they have neglected to construct the buildings and fortifications of the Colony as solidly as they could, on the pretext that there are no stones or that the quarries are too far away. The Company knows there are several within reach of Mobile, whose stone is as good as that found in the vicinity of Paris, and that there is a very fine quarry where the Baille stream takes its source. So a careful visit must be made to all the quarries in order to get stone from those where transportation will be easiest.

The confusion which the Company has learned occurs when provisions are distributed to the troops only shows that there is no order in the way it is done. Therefore the Ordonnateur must

* Underground reservoir.

regulate the days and hours for this distribution, and have it done for the Company, commissioning one of the sergeants of each troop who in the presence of an officer of the same will make a distribution to the soldiers composing the troop.

The same order must be observed for the advance money, so that the deficiency be always covered by the Company. The intention of the Company is that the Ordonnateur give his personal attention to this so that each officer be paid only according to the grade designated in his commission from the Company, no officer receiving an allowance if he has no commission giving his station. However, if it should happen that the Commander of the Colony be forced to have an individual serve in the capacity of an officer, the Ordonnateur must furnish him a gratuity, and the Commander must notify the Company of this expenditure.

All the notations in this present memoire contain the general ideas the Company has concerning the substantial establishment of the Colony. It leaves to the prudence of the Ordonnateur to supply that which it might have overlooked and to change according to the exigency of the case the orders herein prescribed, giving, however, his reasons for so doing.

Done and ordered by us the Directors of the Company of the Indies, at Paris, in the office of the said Company, September Fifteenth. One Thousand Seven Hundred and Twenty.

Approved, Law, Rigby, Castanier, d'Artaguet-Diron, L. Mouchard, Savalette, Dupleix, de July.



A HISTORY OF CONCORDIA PARISH LOUISIANA

BY

ROBERT DABNEY CALHOUN
VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

(Continued from April, 1932, Quarterly)

THIRD INSTALLMENT

CHAPTER V.

EARLY ASSESSMENTS

CONFIRMATION OF THE SPANISH GRANTS

I.

We have before us, certified by Judge Samuel S. Mahon, July 19, 1806, the original, (unrecorded), minutes of a meeting attended by: John Minor, John Kennedy, William Blount, Edwin L. Harris, Stephen Douglass, James McNulty, Hamilton Jett, John Perry, John Boyle, Gabriel Winter and Isaac Bryan, "appointed Jurors for the purpose of dividing the County of Concordia into assessment districts, and for nominating assessors for each District."¹⁰³

The County was divided by them into two Assessment Districts, the Lower District extending from Red River to Bayou L'Argent, and the Upper District from Bayou L'Argent to the northern limits of the County.

Gabriel Winter and Hatton Middleton were appointed Assessors for the Lower District, and Stephen Douglass and John Kennedy for the Northern District; and the County Tax was fixed at one-half of the Territorial Tax.

We have preserved to us the original assessment roll for the Southern District, for the year 1806, certified January 20, 1807, by Hatton Middleton and Henry Cassidy, (the latter having been substituted for Winter). This assessment roll¹⁰⁴ gives the name of each land-owner, the number of acres owned by him, the valu-

¹⁰³ Original documents—Archives.

¹⁰⁴ Parish Archives.

ation per acre, and the amount of each owner's Territorial tax. This assessment is entirely of the "front" or granted lands, as there had not then, and not for some years later, been any survey or disposition of the public lands by the United States. As this is the first assessment, and as, excepting a few intervening conveyances, it may be taken as a practically complete list of the Spanish grantees, and the early settlers, between the Red River and Bayou L'Argent, (our northern boundary), we copy the names shown on the tax-list:

Will Alexander, A. Alexander, James Bovais Jr., Charles Bolls, John Bratcher, David Burney, — Brown, William Blunt, James Beck, John Burney, Elijah Bunch, William Bovard, Thomas Bolton, John Campbell, Edward Cochran, Dr. Carmichael, Benjamin Carol, Jobe Carter, Ephriam Capshaw, Charles Carter, John Calandar, John Conway, John Cammack, Ferd L. Claiborne, Stephen Douglass, Daniel Douglass, Jonathan Dayton, Phillip Engle Sr., Philip Engle Jr., Lewis Evans, Maria Evans, Robert Elliott, John Ferguson, Ambrose Foster, John Ferguson Jr., James Farrell, Mrs. Farget, William Griffin, John Girault, Manuel Garsea, Jesse Greenfield, William Greening, Will Glasscock, Richard Graham, John Gillespie, John Henderson, Joseph Harrison, Francis Henderson, James Hardesty, Lyman Harding, Joseph Hootsell, John Hootsell, John Haliday, Benjamin Holmes, John Hebrard, William Hootsell, Hamilton Jett, Aaron Inscow, Richard King, William Kenner, Benjamin Ketcher, Thomas Key, William Lintot, Isaac LaRue, Christopher Lee, Daniel Menard, James McNulty, Samuel Mahon, John Minor, Stephen Minor, Joseph Minor, John McLanchan, Will McWilliams, B. M. Morgan, Arthur Mahon, Eliza Middleton, Jonathan Morris, Samuel Morris, David B. Morgan, David Mitchell, William Middleton, Hatton Middleton, Lawrence Milligan, Robert Mitchell, Jacob Newcomer, Benijah Osmun, Abraham Oliver, George Overaker, John Overaker, Robert Parkinson, George Prendergast, Joshua Pressler, John Perkins, Simon Pressler, Leonard Pomet, Peter Pressler, Samuel Postlethwaite, John Rawls, J. Roderego, George N. Reagan, Ebenezer Reese, Samuel Rabb, Alexander Ross, John Reed, John Steel, Conrad Rough, Winthrop Sargent, Joseph Smith, Will Silkings, E. Shanke, Mather Stone, John Shanour, William Scott, R. S. Sacket, John Lee, John Sweasy, M. Sollibellas, Benjamin M. Stokes, Philander Smith, William Stephenson, Sylvester Stotts, Mary Stewart, Manuel Texada, Obadiah Timberlake, Samuel Timberlake, William Taylor, Margaret Thompson, Thomas Thompson, David

Urquhart, Maria Vidal, Daniel Vidal, John Vidal, Joseph Vidal, Jr., Captain Joseph Vidal, John Walton, Melling Wolley, J. Wilson, Margaret Wilson, Peter Walker, Joseph Walker, Joseph Wiley, Ham Win, Elisha Winters, Thomas Walsh, Luke Whiting, Mrs. Ann Bingaman Walker, Frederick Zerban.

The writer regrets that the 1806 tax roll, covering what is now Tensas Parish, cannot be found.

The subject of assessments and taxation, to most of us, is somewhat unpleasant—like the Doctor's bill which is often more unpalatable than his physic. But this roll is interesting from many points of view. In the first place, we see that, within three years following the end of the Spanish regime, the Spanish landholders may be counted on the fingers of one hand, and that the French names are no more numerous. In reality, the Spanish grantees were American colonists who were aggressive enough to get over the barrier a little ahead of the flag which soon followed them.

Lands were assessed on this roll at two, three and five dollars per acre, with a very few tracts at ten dollars per acre. Even at the maximum of \$10 per acre, we find the Territorial tax on an 800 acre tract to be only \$16.00, with the County tax half as much.

The tax list does not list slaves or personalty; and there is some doubt whether the tax was ever collected, because on March 18, 1809, the Territorial Council passed an act,¹⁰⁵ reciting that Concordia's Territorial tax for 1806 had not been paid, and ordering the Parish Judge to take steps for immediate collection. It further recited that the local County Treasurer had failed to account for taxes on slaves for 1806, and ordered that he furnish a list within four months, and that in default of evidence of proper return of collections, proceedings be taken against him for the deficit.

We have heretofore written of some men whose names are found on this list, and others will be noted later. We note the name of John Henderson, who was first County Treasurer at Natchez,¹⁰⁶ of Samuel Postlethwaite, Captain of Artillery at Nat-

¹⁰⁵ Acts 1809, Chapter 24, Secs. 7 and 8.

¹⁰⁶ Claiborne, p. 224.

chez;¹⁰⁷ of Winthrop Sargent, first Governor of Mississippi Territory;¹⁰⁸ of John Steel, Secretary of Mississippi Territory.¹⁰⁹

We also note the name of Benijah Osmun, the intimate friend of Aaron Burr, and surety on his appearance bond;¹¹⁰ as well as the names of Lewis Evans, George Overaker, Ebenezer Reese and Philander Smith, who were members of the Burr Grand Jury, and of Lyman Harding, one of his Attorneys.¹¹¹

We also note the name of John Girault, Clerk of Jefferson County and an alderman at Natchez prior to 1802,¹¹² and whose son, Francis S., married Jane Kemp, daughter of Captain James Kemp,¹¹³ and their daughter, Anna, married Thomas P. Farrar, father of that giant of the American Bar, Edgar H. Farrar, who is proudly claimed by Tensas Parish as her own, but who was born on the Plassa Plantation, in Concordia Parish, June 20, 1849.¹¹⁴

The original tax roll for 1807, certified by Gabriel Winter, John D. Smith and Joseph Walker, lists 428 slaves, taxed at one dollar per head.¹¹⁵

The roll for 1811¹¹⁶ shows a Territorial land and slave tax of \$3,168.50 and 345 polls at \$1.00 each. One hundred and eighteen years later, 1929, Assessor W. A. Beard's roll shows an assessed valuation of \$8,840,722.00, and a total tax bill for all state, parochial, levee, school, and road taxes and forced contributions (but not including the municipal levies of Vidalia and Ferriday or produce, severance or gasoline taxes or licenses) of \$314,912.54.

A recapitulation of the tax roll for 1817,¹¹⁷ certified by John Sigmund, Deputy Sheriff, shows: 1142 slaves, taxed at one dollar each; 265 horses, mules and mares, taxed at three cents each; 2762 head of "horned cattle", taxed at one cent each; two taverns and grog-shops, taxed at \$10.00 each; and one Lawyer, who was outrageously mulcted for \$25.00. At the time, there seems to have been no retail merchants or doctors here; and no "billiard tables," "calaches" or "two-wheel" or "four-wheel" carriages, as no extensions are made under these headings on the printed form.

¹⁰⁷ *Ibid.*, p. 225.

¹⁰⁸ *Ibid.*, p. 203.

¹⁰⁹ *Ibid.*, p. 203.

¹¹⁰ *Ibid.*, p. 281.

¹¹¹ Shields, p. 62.

¹¹² Claiborne, p. 225.

¹¹³ Shields, p. 162.

¹¹⁴ Ann. Report La. Bar Assn., Vol. 23, (1922), p. 197.

¹¹⁵ Archives.

¹¹⁶ *Ibid.*, loose sheets.

¹¹⁷ Original sheet—Archives.

In 1819,¹¹⁸ the lawyer escaped the notice of the taxing officials—or perhaps he had folded his tent and found a greener pasture.

II.

Owing to the fact that the Spanish orders of survey and permits to settle were executed on the very eve of the transfer to the United States, our Spanish land claims had not been perfected by the obtention of formal titles from the Intendant General.

By Article Three of the Louisiana Purchase Treaty of 1803,¹¹⁹ the United States obligated itself to maintain and protect the inhabitants of Louisiana "in the free enjoyment of their liberty, *property*, and the religion which they possess."

To carry out the "property" obligation of the Treaty, on March 2, 1805, Congress passed an act¹²⁰ entitled:

"An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans".

The first Section of the Act related to land titles and claims which had their origin either from the Spanish or French dominations prior to October 1, 1800, which was *not* our situation here, (with two or three exceptions), so, in order to cover land claims originating between the date of the Treaty of St. Ildefonso and the delivery of Louisiana to the United States, we have Section 2 of the Act of Congress, reading:

"That to every person, or the legal representatives of every person who, being either the head of a family, or twenty-one years of age prior to the 20th. of December, 1803, with the permission of the proper Spanish officer, and in conformity with the laws, usages and customs of the Spanish Government, made an actual settlement on a tract of land within the said Territory, not claimed by virtue of the preceding section, or of any Spanish or French grant made prior to the 1st. day of October, 1800, and during the time the government which made such grant, had the actual possession of said territory, and who did on the 20th. day of December, 1803, actually inhabit and cultivate the said land, the tract of land thus inhabited and cultivated shall be granted", etc.

¹¹⁸ Original document—Archives.

¹¹⁹ Fortier, Vol. 2, p. 100—Treaty given in full.

¹²⁰ C. 86, 2 Stat., 288.

Under this Act, as supplemented by the Act of Congress of March 3, 1807,¹²¹ Boards of Commissioners were appointed to investigate these land claims, and if they found that an applicant's claim came within and satisfied the provisions of the law, a certificate of approval was issued, whereupon a survey and plat was made under the direction of the Surveyor General, and, upon presentation of these papers, through the U. S. Land Office, the United States Patent issued.

The first Board of Commissioners for the investigation and certification of our Spanish land claims was composed of: William Garrard, Levin Wailes and Gideon Fitz, with John Thompson as Clerk.¹²² Levin Wailes was the ancestor of the Wailes family which was prominent in the business life of Concordia and Tensas Parishes to within comparatively recent times. The only representative of the family, we believe, now living in Concordia, is Carter Wailes, of Ferriday.

The jurisdiction of this Board extended over Northeast Louisiana. They had no easy task. Owing to the incompleteness of the Spanish surveys of these grants, and encroachments and overlapping, there were many contests which had to be ironed out before the U. S. Register & Receiver or the Commissioner of the General Land office at Washington, and the extent and location of some of these old grants had not been definitely settled as late as 1842.

The difficult task of the Board is set forth in a letter from the Register & Receiver to the Commissioner of the General Land Office, dated May 5, 1842, and we quote from a photostat copy:¹²³

" It is a well known fact that the Commissioners labored under great embarrassment in deciding on incomplete titles. Under date of 10th. of May, 1807, they write to the Secretary of the Treasury, "that they are making but little progress, and will experience much difficulty without a connected plat of the land claims; that the surveys which were made under the Spanish Government were extremely defective; that the lands, generally, had been measured only on the front, and the direction had been given to the side lines by setting up posts but a few hundred yards from those placed at the ends of the first lines, so that the back parts of the tracts have never been ascertained or measured; that it would be impossible to proceed

¹²¹ 2 Stat. at Large, 440.

¹²² Many recorded certificates signed by them.

¹²³ Procured by author from Gen'l Land Office, Washington.

in their decisions without a connected plat, with such precision as to enable the Surveyor General to ascertain the lands, as to avoid confirming several claims for parts of the same tract" '... The Surveyor General of the Province of Louisiana, Don Carlos Trudeau, laid down for his Deputies, in the year 1800, a system to be pursued in locating grants on the *bends of rivers*, a figurative sketch of which is on file in this office, which makes the division lines of each claim to run back from the river perpendicular to the course of the river in that place, the plan of which cannot be better exemplified than by comparing it to a *cart wheel*, where the river or bayou or lake takes a great bend, (which is the case we are now reviewing). The axle-tree of the wheel defines the usual depth of forty arpents, and the spokes diverging towards the wheel-tire designate the division lines of each claim wending to the river, for so much front as, with the peculiar form of the survey, will embrace the quantity of land granted to each claimant. This plan would, had it been carefully followed, have prevented all confiction or interference in the claims referred to. The Surveyor General writes to the Commissioners in 1808 that it is difficult to account for the neglect of the Deputy Surveyors in making proper surveys."

But we shall not pursue this topic further, as our ambition is to write a history, and not a lawyer's brief.

CHAPTER VI.

THE BRINGIER GRANT DEVELOPED SETTLEMENT OF THE PUBLIC LANDS

I.

The United States recognized no title in the original grantee, Louis Bringier, or those holding under him, until after the passage of the Act of Congress of June 17, 1844,¹²⁴ making further provision for the adjustment of land claims in Louisiana and elsewhere, based on grants made prior to the Louisiana purchase. This was the largest grant in Concordia, and the only grant on Black River, with the exception of the Henry Confirmation of 1,000 acres immediately opposite the junction of Black and Tensas Rivers. There were no Spanish Grants in the interior of the Parish, and none on Tensas River east of the Bringier. There were one or two on Old River.

¹²⁴ 5 Stat. at Large, 676.

Bringier conveyed, at an early day, his rights in the grant to Thomas Curry and Rice Garland, certain interests having theretofore been acquired by others from him, and certain other persons had acquired interests in the grant under Curry and Garland.

Curry and Garland brought suit against the United States, in the U. S. District Court, under the Act of 1844, for confirmation of title. On May 2, 1846, judgment was rendered in their favor, confirming their claim to 40,000 arpents, under the Trudeau survey, or a gross acreage of 33,851.24 acres, from which was to be deducted 4,879.56 acres which the United States had disposed of under preemptions, etc., within the limits of the grant prior to the suit.

The Government appealed to the Supreme Court of the United States, but the appeal was dismissed on a technicality; and on October 1, 1853, patent issued to Curry and Garland, holding under Louis Bringier, and this patent is of record in Deed Book "AA", page 281, where notes of surveys, etc. are all set forth.¹²⁵

Roughly, the grant comprised all of the land from the intersection of the east line of Moro Plantation with the Tensas River; thence down the Tensas River to the Black; thence down Black River to a quarter to a half mile below the residence of Joseph Willson, at Lismore, thence due east, (with exception of Section 16), to west side of Horse Shoe Lake; thence around the north and down the east bank of Lake, to within a quarter mile of Cross Cocodrie Bayou, thence due east, a short distance, to Range Line between Ranges Seven and Eight; thence north with Range Line to beginning.

The excepted lands within this area consisted of parts of Achilles and Athlone Plantations, and all of the lands in the Chevy Chase Bend in Tp. 8, Range 7, which had been settled in the 30's and 40's.

In the suit of William C. Micou vs. David S. Stacy and others, in 1854,¹²⁶ judgment was rendered recognizing the Estate of Wm. C. Micou, Wright-Williams & Co., William C. Hamner, Edward Sparrow, David S. Stacy and James D. Denegre to be the owners of this large body of land, in indivision, and for different acreages, and ordering a Sheriff's sale to effect a partition.

¹²⁵ The recorded patent gives details of litigation.

¹²⁶ Original Record, Court Docket No. 1584.

The grant was broken up and sold under this judgment on July 7, 1855, the purchasers at the sale being the following:¹²⁷ John J. Norment, R. W. Prater, J. J. Preston, Wm. C. Hamner, Milton Wilson; Judah P. Benjamin, Executor, L. H. D'Armond, James Brannin, Reuben M. Gibson, Richard C. Cawley, David S. Stacy, Edward Sparrow, Mason & Herriman, H. P. Brown, Benjamin F. Glasscock, William Stanton, Charles Crossgrove, William P. Richardson, Samuel Wood, John Tucker and J. P. McCoy.

This may be said to be the beginning of settlement and development of that fine agricultural section of our Parish, though there had been prior settlement on the isolated tracts.

With reference to Curry and Garland: Rice Garland, a resident of St. Landry, was Associate Justice of the Supreme Court.¹²⁸ Thomas Curry was a resident of Concordia and District Judge from 1842 to 1846, and Reporter for the Supreme Court from 1834 to 1842.¹²⁹ In collaboration with Justice Henry A. Bullard, he compiled and published a revision of the Statute Law in 1841.¹³⁰

II.

Under the Act of Congress admitting Louisiana into the Union, all lands in the State which had not passed into private ownership, by either perfect titles, or by inchoate titles from France and Spain, remained the public domain of the United States.

The Federal Government was very slow in having its public domain in Louisiana surveyed and platted, and in opening it to private acquisition; and this tardiness in making the lands available to the state for school revenues, and other internal improvements, and in opening them to entry and settlement, formed the subject of repeated Legislative memorials to Congress, and was brought to the attention of the Legislature by every incoming Governor up to 1846. Originally, Congress had donated to the State ten per cent of the net revenues of public land sales in the State, for school purposes.

¹²⁷ Deeds recorded in Conveyance Book "M."

¹²⁸ *Centenary Supreme Court La.* (1913), "The Justices," by Wm. Kernan Dart, p. 62.

¹²⁹ *Ibid.*, p. 59.

¹³⁰ *Ibid.*, p. 49, "The Louisiana Bar," Judge T. C. W. Ellis.

In his message to the Legislature in 1841, Governor Roman said:

"The incessant complaints of Louisiana, and the demonstrations of the injustice with which she has always been treated, had at last wrested from Congress the grant of 784,320 acres for the support of her primary schools, but of that amount, 184,000 acres was to be deducted as of no value or not available. Louisiana", observed the Governor, "seems destined to derive less advantage from the bounties of Congress toward public schools than any other State."¹³¹

Our United States Township Surveys were made in the period between 1820 and 1830 and a number of them between 1830 and 1840.¹³² There were practically no land entries prior to 1830, with the exception of a few near the "front." Around Clayton, (a town which was begun at the time of the building of the "Fort Scott" Railroad, and which was named in honor of Captain John M. Clayton, one of the early settlers at that point), entry and settlement began with 1830.¹³³

Up the Tensas River towards Dunbarton entry and settlement was begun about 1839; as also in the section around that river above Elk Horn, and in the neighborhood of Frogmore.¹³³

Settlement of the Black River section, below the south line of the Bringier Grant began about 1838.¹³⁴

By Act of Congress of March 2, 1849, known as the "Swamp Land Act", and the supplementary Act of 1850,¹³⁵ there was donated to the State, the proceeds to be used for levee and drainage purposes, what was known as the "swamp lands". The grant was estimated at several million acres, and included a very large part of Concordia Parish. These lands were opened up to entry from the State in 1852, at \$1.25 per acre, and the settlement of Black River and other parts of the Parish was greatly accelerated.

Some of the early settlers on Black River south of the Bringier Grant, as shown by the land entries from the United States or the State, between 1838 and 1857, were:—

Edward P. Williams, Henry Jackson, Jacob Jackson, Seth Miller, Michael Nugent, Preston G. Parham, James

¹³¹ *Gayarré*, Vol. 4, p. 660.

¹³² Time of surveys, etc., shown by certificate on each official Township Plat.

¹³³ Abstract of Land Entries Book—Archives.

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ Both Acts of Cong. incorporated in full in *Revised Laws of Louisiana*, Solomon Wolff, (Ed. of 1897).

Nugent, Ebenezer Williams, Robert Walker, James Collins, John Miller, Samuel Jackson, William H. Beasley, Cornelius Nugent, Elizabeth Miller, Thomas F. Campbell, William P. Donaldson, John A. Miller, Garrard W. Miller, John Crane, Pleasant H. Prater, William D. Adams, James A. Tiffie, Benjamin Glasscock, John L. Lanius, William Rourke, William Gibbs, Abraham Jones, Hardy W. Bryan, Joseph Del'Hoste, Nancy A. Brown, Mrs. Letitia Crane, Benjamin O. Lanius, Thomas C. Crane, Samuel C. Scott, Cyrus S. Magoun, Mariah Lanius, Milton Wilson, John P. Ogden, Hugh B. Eskew, Samuel B. Oswalt, James E. White, Isaac Lum, George W. Green, M. A. Scott, George W. Scott, W. G. Bruce, R. W. Prater, Alexander Campbell, Jr., Eli Plummer, Edward Welch, Mary E. White, Mrs. B. W. Rourke, Isaac N. Beard, William Earhart, William Dale, George W. Dale, William S. Pease, Benjamin and Jane Gibbs, Milton Bryan, Major A. Scott, Jesse Lanehart, Beasley Campbell, Fountain L. Campbell, J. C. Crane, John Crane, John P. Crane, William Montgomery, Granville Williams, Samuel Smith, John Welch, Ant. Morace, Samuel P. Russ.

William Cross, who was born December 15, 1840, and who is our only surviving Confederate soldier, tells us that his family moved to Black River, from South Carolina, in 1849; and that, within his recollection, that section was sparsely settled and the canebrakes had not been cut out. He also tells us that Charles Burley came from South Carolina in 1865, and that other members of the large Burley family and connection soon followed.

The founder of the numerous "Campbell Clan," Beasley Campbell, was no ordinary man. Born in Adams County, Mississippi, in 1795,¹³⁶ he moved to Black River in the early forties. He was married three times, and through his three marriages, became the father of twenty-seven children. Fountain L. Campbell was the youngest of the fourteen children of his first marriage to Mary Franklin.

The *Concordia Intelligencer* of January 12th, 1850, carries the following news item:

"By yesterday's mail, we received the letters from our friends in California that were brought to New Orleans by the steamship Falcon. Next week a letter from our favorite "Black River California Company" correspondent will appear. Our Black River friend's letters have been received with unusual interest; he writes well."

¹³⁶ Chambers, Vol. 3, (Biographical), p. 187.

Unfortunately, we have not the next issue of the paper and we do not know the names of the Black River citizens who were lured to California by the gold fever of '49, with the exception of Fountain L. Campbell, and we strongly suspect the letter was from him. Mr. Campbell made the trip by the Isthmus route; but like thousands of others, he returned poorer than he went, having become stranded in Panama on his return, and having to take a job at ditching there in order to earn the necessary money for a passage to New Orleans.

Fountain L. Campbell was Parish Assessor. He married Mary V. Carlin and their children were: the late Charles C. Campbell, Clerk of Court for many years; Robert R., planter at the old "Flowery Mound" homestead; Fountain L., planter and a present member of our Police Jury, the late Oscar W., Secretary of the Levee Board; Eugene P., Sheriff since 1908, and Thomas F., died in infancy.

Some of those entering lands around Frogmore in 1843 were:

David S. Stacy, Samuel P. Rooks, G. C. McWhorter, Samuel Foster, John Otts, John F. Gillespie, Robert Brannin, McCarty Brannin, David B. Wade, Jacob D. Hair, Elias Deputy, James Brannin, Edward Sparrow, Charles Crossgrove.

David S. Stacy was one of the foremost lawyers in Louisiana in his day, and was one of the wealthiest planters and business men in this section of the country. He was a member of the famous law firm of Stacy & Sparrow. A contemporary of Sargent S. Prentiss, our law reports disclose that Stacy was often pitted against him. David S. Stacy died prior to the Civil War, and his descendants are: Mrs. Clara Claggett and her daughters, Ethel and Anita, of Natchez, the Comptons, of Vicksburg, and Alonzo Brewer, of California.*

* In a historical sketch of Concordia Parish by Dr. A. R. Kilpatrick, appearing in DeBow's Review for July, 1851, Vol. II, p. 41, the author, then a resident of our Parish, among other things says: "The earliest settlements made in the Western border of the Parish were in 1837 and 1838. The lands on Black River were settled by persons in moderate circumstances or who owned only a few slaves. They came from Adams, Franklin and Amite Counties, Mississippi, and from Rapides and Avoyelles Parishes In 1838, several small crops of corn were made without having any fences or enclosures around them, thereby showing that there were not very many domestic animals in the country. Each farmer or head of a family would cut down the rank canes which covered all the soil of the country, and when dry enough burn them off and make a hole in the earth amongst the cane roots with a pointed stick, drop in his corn and cover it with his foot Cotton was first raised in the western part of Concordia in 1838 My neighbor, B. F. Glasscock, is a man of great industry and energy. He was the first person on Black River who undertook to raise sugar cane and make sugar. He made a crop of sugar in 1847.

CHAPTER VII.

EARLY MILITARY MATTERS

In the early days of the Territory a military organization was maintained here. By act approved April 10, 1805,¹³⁷ regulating the Militia, the Counties of Avoyelles, Concordia, Rapides, Natchitoches and Ouachita were designated as composing the Third Military District.

Gayarré says¹³⁸ that, in the fall of 1805, while Governor Claiborne was in Concordia, a Frenchman who had, no doubt, brought from France his mad notions about liberty, attempted to incite the slaves to insurrection, and that a considerable alarm ensued, but the Frenchman was arrested and the uneasiness soon subsided.

We make the following excerpt from a letter from Governor Claiborne to Henry Dearborn, Secretary of War:

"Natchitoches, August 28, 1806.

"Sir: I left Concordia on the 18th, and arrived at this place on the morning of the 24th instant. I have issued the necessary orders to call into service, (whenever the occasion demands), a respectable detachment of militia, and have made the following apportionments among the several counties nearest this Post:

From Concordia, one Captain, one Lieutenant, one Ensign, two Sergeants, two Corporals, and forty Privates. . . . I am assured by Colonel Cushing that if the Spanish Army should advance one foot within the acknowledged limits of this Territory, he would instantly march against them . . ."¹³⁹

The Spanish forces did cross the Sabine in the fall of 1806, and establish themselves at their old Post of *Adayes*,¹⁴⁰ within a few miles of Natchitoches. Colonel Cushing was in charge of

In 1849 he made nearly a hundred hogsheads . . . Peter M. Lapice, a wealthy planter living just below Vidalia, has been to much expense in improving the mode of manufacturing sugar and testing all the inventions of the day in that branch of husbandry . . . R. D. Percy, on his place on the Tensas, planted rice this year, and he has collected several bales of Spanish moss to be shipped to market . . . Tea is growing luxuriantly on John Fletcher's place on Lake Concordia."

The author also relates several instances of the viciousness of Concordia's alligators. He says that while J. P. McCoy was fishing from a log extending out in one of the lakes, in 1840, he was attacked by a huge alligator. McCoy escaped with his life, but his arm was so badly mangled that it had to be amputated.

¹³⁷ Acts First Sess. Leg. Council, C. 28, p. 262.

¹³⁸ Gayarré, Vol. 4, p. 118.

¹³⁹ Rowland, Dr. Dunbar, *Official Letter Books of Governor Claiborne*, Vol. 3, p. 386, 390. (Cited hereafter as *Official Letter Books*).

¹⁴⁰ Claiborne, p. 265.

our small forces at Natchitoches,¹⁴¹ and Wilkinson proceeded there, with additional troops,¹⁴² and was followed on October 7, 1806, by Major Ferdinand L. Claiborne, with a detachment of 250 dragoons and mounted infantry which crossed the river here.¹⁴³ We are unable to give the names of the Concordia officers and men who took part in the Sabine operations, other than Col. Elijah Cushing. His activities are detailed at some length in Claiborne's *History of Mississippi*. After some negotiations, the Spaniards withdrew across the Sabine, without resistance.

Colonel Cushing later owned a plantation on Lake Saint Joseph, adjoining that of Job Routh. He was a member of our Police Jury in 1813, and died in 1818.¹⁴⁴

Among the faded and tattered original records in our local archives, I find the following original order for patrols, written and signed by Governor Claiborne:

"Territory of Orleans,"
Headquarters Concordia,
August 20th, 1807.

"To aid the civil authorities in the preservation of order, the officer commanding the Battalion of Concordia Militia will cause patrol service to be performed twice in each and every week, on such nights and in such districts within the County of Concordia as may be deemed most expedient.

The patrols will consist of one non-commissioned officer and six privates, to be drawn equally from the Companies composing the battalion.

The authority and duties of patrols are pointed out in the act to establish patrols for the internal police of the Territory, passed 31st March, 1807.

Whenever the Judge of the Parish of Concordia shall think proper that patrols twice a week are unnecessary, the Commissioned officer of the Battalion may cause that service to be performed once only in each week.

(Signed) WILLIAM C. C. CLAIBORNE,
Governor & Commander-in-Chief.

In 1812 and 1813, the powerful Creek Indian Nation, in West Georgia and Alabama went on the war-path, and Governor Holmes, of Mississippi Territory, ordered a draft of militia to

¹⁴¹ *Ibid.*, p. 265.

¹⁴² *Ibid.*, p. 266.

¹⁴³ *Ibid.*, p. 266.

¹⁴⁴ Succession Record "A," p. 171—Archives.

rendezvous at Baton Rouge, to proceed against them. However, the draft was unnecessary, as a Brigade of Mississippi and Louisiana volunteers, numbering six hundred men, was organized at Natchez, and of which Ferdinand L. Claiborne was commissioned Brigadier General.¹⁴⁵

This force proceeded to Baton Rouge and thence into the Indian country.¹⁴⁶ Several engagements took place, and while Claiborne was engaged in strengthening the stockade at Fort Easley,¹⁴⁷ the Indians massacred the entire garrison, with the women and children, at Fort Mimms, August 30, 1813—one of the worst Indian massacres in history.¹⁴⁸

The massacre was due entirely to the negligence or foolhardiness of the Commander, Major Daniel Beasley, of Claiborne County, Mississippi, who left the entrance to the stockade open and unpicketed while the soldiers were eating their noon meal. Major Beasley and his men did all they could to resist the surprise attack, and he was one of the first to fall, mortally wounded.¹⁴⁹

Relative to this expedition, the writer regrets that he cannot give the names of the Concordia volunteers who took part in it, further than Philip Engle, Hatton Middleton and Joseph Dunlap, who were Captains, and Dr. John Ker, later a citizen of Concordia, who was the surgeon.¹⁵⁰

This author has before him Joseph Dunlap's original commission as Captain, signed by Brigadier General Claiborne.¹⁵¹ Dunlap was Clerk of Court of Concordia County at the time.

Hatton Middleton and his entire Company sacrificed their lives at Fort Mimms.¹⁵²

Dr. John Ker died on his Good Hope Plantation, January 4, 1850, and the *Concordia Intelligencer* of January 12, 1850, carries an editorial eulogy. He was buried at his old home, Linden, near Natchez, by the Rev. J. B. Stratton of the Presbyterian Church, of Natchez. In the same issue, is a communication from the paper's New Orleans correspondent, from which we quote:

¹⁴⁵ Claiborne, pp. 318, 320.

¹⁴⁶ *Ibid.*, p. 319; Shields, p. 113.

¹⁴⁷ Claiborne, p. 323.

¹⁴⁸ Claiborne, pp. 323, 324; Shields, pp. 117, 118.

¹⁴⁹ *Ibid.*

¹⁵⁰ Claiborne, p. 320.

¹⁵¹ Original document—Archives.

¹⁵² Claiborne, pp. 323, 324; Shields, pp. 117, 118.

"I have heard with great regret of the death of Dr. Ker of Concordia Parish. In this City he had many friends. As a Senator in the Legislature he is well-remembered. Dr. Ker's health was originally impaired by exposure in the service of his country. In 1813, he marched from Baton Rouge, with the Mississippi Volunteers to the Alabama River, and during most of the campaign shared the privations of the troops, having neither blankets nor tents It is known that after the fall of Fort Mimms, Major General Flournoy, then in command of the troops in this section of the Union, ordered the Brigadier General, in command of the Volunteers, to act strictly on the defensive, to concentrate his force at two or three strong points, putting the main body in garrison at Weatherford's Bluffs, now Fort Claiborne, thus protecting the strongest settlements and organizing supplies for the advance of General Jackson. The Volunteers and their officers chafed under this order. They were anxious, at all hazards, to march into the enemy's country and achieve something before they were disbanded. Letter after letter was addressed to the Major General by General Claiborne, soliciting this permission, and finally he dispatched *Dr. Ker*, and his aid, *Capt. Alex. Calvit* to confer in person with the Commander-in-chief. The result of this conference was an immediate march into the Nation, and the victory of Echannachaca or the Holy Ground."

With reference to the Battle of New Orleans, January 8, 1815, this author is unable to give the names of the Concordia volunteers who participated. So far as our Militia is concerned, it arrived at New Orleans a few days after the battle. At that time, William Willis was our Sheriff, and also Colonel of the 20th Regiment of Louisiana Militia.

We find an old original *habeas corpus* proceeding in the archives of the Clerk's office.¹²³ On January 3, 1815, one William Cochran sued out this writ before Dunlap, Parish Judge, in which he alleged that he had been conscripted into the military service by Col. Willis; that he was a resident of Mississippi, and a private in the Mississippi Militia, in Concordia on furlough, and he prayed for an order of release on Willis. The writ was made returnable the same day, and Col. Willis answered: That Cochran was detained by him "under an order from General Thomas, directed to me as Colonel of the 20th Regiment, and di-

¹²³ Original documents—Archives—no docket number.

recting me to march all of the militia immediately to New Orleans, among which the above-named Cochran stands enrolled in *Captain Adams' Company*, and is subject to military duty under the laws of this State, etc."

The facilities for transporting a military force in those days, for that distance, rendered it impossible that this Command could have reached New Orleans in time for the battle; and this is confirmed by the following excerpt from the letter of thanks to the troops, written by command of General Jackson:

Headquarters Military District,
Camp below New Orleans,
Adjutant General's Office, Jan. 21, 1815.

"... To the Volunteers of the Mississippi Territory, and to the Militia of the remote parts of the State," (Louisiana), "who have arrived since the decisive action of the 8th, the General tenders his thanks, and is convinced that nothing but opportunity was wanting to entitle them to the praises that have been merited by the rest of the army

By Command,
ROBERT BUTLER,
Adjutant General."¹⁵⁴

Major Henry Chotard, who owned the Sycamore Plantation in Concordia, but who lived in Natchez, served, with distinction, on General Jackson's staff.

Some time before the British campaign at New Orleans, Governor Claiborne had commissioned David B. Morgan as Senior Brigadier General of Louisiana Militia.¹⁵⁵ On the day before the decisive engagement at Chalmette, General Jackson directed Morgan to cross the river, with a small force, to oppose the landing or advance of the British on the west bank. Morgan crossed the river on the evening of the 7th, with a force of about three hundred poorly armed and equipped militia, and was joined about day-light on the 8th by some 300 Kentuckians, much fagged from their night's march, and also poorly equipped.

Morgan disposed his little force, opposite Chalmette, along a line from the river towards the swamp, on the open plain, and behind a shallow ditch or canal, which afforded little or no impediment to the enemy, and no protection from his fire. All his-

¹⁵⁴ Fortier, Alcee, *History of Louisiana*, Vol. 3, p. 139.

¹⁵⁵ *Official Letter Books*, Vol. 6, p. 313.

torians seem to agree that the line was entirely too long at that point for the small force at Morgan's disposal, and that what followed was largely due to a want of military judgment on his part in the selection of his position.

The British regulars, fresh and well-equipped, and numbering about 800 men, under the Command of Colonel Thornton, landed on the west bank, and advanced towards Morgan's line. A small Company of Louisiana Militia, which had been posted across the ditch, as an advance guard, some distance in advance of Morgan's main line, began to fall back hastily, and the Kentuckians, seeing this, commenced a rapid retreat. Morgan did all he could to stay his men, but without avail. However, before the retreat became a rout, several volleys were fired at the advancing British, who suffered 120 casualties, including the wounding of their Commander, Col. Thornton; and this without loss to the American forces.¹⁵⁶

General Jackson, renowned for his exceedingly irascible temper, as well as for his military prowess, was very caustic in his criticism of the Kentuckians, and the militia and General Morgan. It is said that the State of Kentucky never forgave him for it.¹⁵⁷ The Kentuckians, with the Tennessee troops, on the Plain of Chalmette, had borne the brunt of the British charge, and had displayed great valor. While there has been much controversy among historians over this incident, Latour has little condemnation for Morgan, and the Court of Inquiry, presided over by Major General Carroll, cast no reflection on his personal bravery. Mrs. Dunbar Rowland in her book, "Andrew Jackson's Campaign Against the British," says¹⁵⁸ that: "Morgan's courage has been emphatically attested by such renowned fighters as Roosevelt—see page 478 of his "Naval War of 1812."

David Bannister Morgan was the first Senator from Concordia Parish under the Constitution of 1812.¹⁵⁹ He married the widow Eliza Middleton, mother of Hatton Middleton, and they have several descendants now living in St. Tammany Parish, in-

¹⁵⁶ Fortier, Vol. 2, pp. 180, 181; Shields, pp. 196, 197.

¹⁵⁷ Gayarré, Vol. 4, p. 487.

¹⁵⁸ Rowland, Mrs. Dunbar, *Andrew Jackson's Campaign Against the British*, p. 361.

¹⁵⁹ At 2nd Martin, (O. S.), p. 161, West Pub. Co. Reprint Book No. 1, p. 157 is a letter from the Justices of the Superior Court of Orleans Territory, dated Aug. 14, 1812, and addressed to David B. Morgan and Joseph Landry, Committee of the Senate, in which the Judges affirmed their legal right to function as a State court under the appointment and commission by the President as Judges of the Superior Court of the Territory of Orleans.

cluding their great-great grandson Lewis L. Morgan, lawyer, of Covington, and Ex-Congressman from the Sixth District.

The United States had in the Lake and Gulf waters a little flotilla of five gunboats, under the command of Lieut. Jones. This little navy was practically wiped out in an engagement with the British outside the Rigolets, December 14, 1814. The next day, Purser Thomas Shields and Dr. Morrell, were sent over to the enemy, under flag of truce, to arrange an exchange of prisoners. They were detained as prisoners themselves until January 12th.¹⁵⁹

On the night of January 19, Shields and about fifty men, in five small boats and a brig, captured a boat with 40 officers and men and 14 seamen; in Shields' engagements with the enemy of January 21st, the British lost a transport, a large flat-boat was captured and one sunk and 78 prisoners were brought in. He made another daring attack on February 27, but was taken prisoner.¹⁶⁰

Purser Thomas Shields was the grandfather of the late Wilmer Shields, who was an active figure in Concordia Parish politics during, and after, the Reconstruction period, and Clerk of Court 1889-1892.

The Treaty of Peace between England and the United States, signed at London, December 24, 1814, and ratified by the Prince Regent on Christmas day, did not reach President Madison until February 17, 1815.¹⁶¹ Immediately, the War Department dispatched William Shaw, with sealed advices to Governor Blount, of Tennessee, and General Jackson, at New Orleans, and he bore an open order from the War Department to all Post Masters "to facilitate his movements as he bore peace dispatches." Shaw reached Nashville with all speed, making the trip from Nashville to New Orleans on horseback, traveling eighty miles a day, with four hours for sleep. When he delivered the sealed packet to Jackson and it was opened, it was found that, by a contretemps of the authorities at Washington, the packet contained nothing but an obsolete order for the movement of a militia regiment. Shaw reported to Jackson the contents of the dispatch which had been received by Governor Blount and exhibited his order to the Post Masters. Jackson communicated the circum-

¹⁵⁹ Shields, pp. 168, 169.

¹⁶⁰ *Ibid.*, pp. 203, 206.

¹⁶¹ *Ibid.*, p. 215.

stances to General Lambert, then in British command, and suggested a cessation of hostilities, which was agreed to.¹⁶²

The bearer of these dispatches, William Shaw, was the father of Henry B. Shaw, a planter and distinguished member of the Concordia bar for many years, and our representative in the Constitutional Convention of 1852.

Our information as to the part played by Concordians in the Mexican War, in 1846 and 1847, during which time Louisiana sent some six thousand soldiers to Mexico, is very meager.

The *Concordia Intelligencer* of August 22, 1846, reports the return on the previous Thursday, by the Steamer Concordia, from the Mexican frontier of the 'Sparrow Volunteers.' This was a "Whig" paper in politics, and it was not at all enthusiastic, editorially, over the war, and its comments are mainly directed to the hairiness and unprepossessing appearance of the returned soldiers. In the same issue, they published a letter from Lieut. William W. W. Wood, their correspondent with the Volunteers, and which is said to be the last of a series from him. Regrettably, neither the names of the men, nor of the officers, is given, and the anterior issues of the paper cannot be had. From Lieutenant Wood's letter we learn that the 'Sparrow Volunteers' was composed of "representatives of dear old Natchez, Adams and worthy Concordia"; that the Volunteers was a unit in the Montezuma Regiment, and that their service had consisted in keeping open and uninterrupted the navigation of the Rio Grande. Lieutenant Wood further states that several members of the Volunteers had remained in Mexico and re-enlisted for further service, but their names are not given. Lieut. Wm. W. W. Wood was Editor of the "Natchez Daily Free Trader" in 1861.

We find in the miscellaneous papers in our archives, the following old bill:

"Brig. Gen'l. Edw'd. Sparrow
To John R. Ackerman (Late Waldron & Ackerman)
No. 152 Broadway Dr.

May 27, 1843

For E. D. Farrar, Aid:

To uniform coat	\$ 40.00
To uniform pants	13.50
To Chapeau \$24.00 Plume \$9.00	33.00
To pair Epaulettes, English	24.00

¹⁶² *Ibid.*, p. 217.

To Aigulette	8.00
To Sword \$25.00; Belt \$7.00; Knot \$2.00.	34.00
To Crimson Silk Sash	12.00
To Pr. Gilt Spurs	3.50
To set Horse Equipments	85.00
To Boxes	2.50
	<hr/>
	\$255.50
Discount for cash	12.77
	<hr/>
	\$242.73

General Edward Sparrow was Clerk of Court of Concordia in 1833, and Sheriff from 1834 to 1840, and removed to Carroll Parish in 1852. He was a delegate from East Carroll to the Secession Convention of 1861, and was one of the two Senators from Louisiana in the Congress of the Confederate States of America until the fall of the Confederacy, and Chairman of its Military Committee.

From his granddaughter, Mrs. Kate Voelker, who still owns and occupies the Sparrow mansion, "Arlington," on beautiful Lake Providence, we learn that Edward Sparrow was born in Dublin, Ireland, Dec. 29, 1810; educated at Kenyon College, Ohio; came to Louisiana in 1831; married Minerva Parker, of Natchez, and died July 4, 1882.

In 38th Louisiana Annual. page 811, the Supreme Court through Justice Poche, said of him:

"In his day, General Sparrow was one of the lights of the Louisiana Bar, and an advocate whose honesty and delicacy of purpose were only equaled by the enviable reputation which he enjoyed throughout his whole career."

We are informed by Mr. William A. Cross that Samuel C. Scott, under whom he served in the Civil War, was a Captain under General Zachary Taylor at the storming and capture of Monterey, and that, on his return from Mexico, in commemoration of that event, he gave his landing and plantation on Black River the name of Monterey.

CHAPTER VIII.

VIDALIA.

In some of the early records, the Post of Concord, prior to 1811, is spoken of as "Vidalia," but on March 6th of that year, legislative sanction was given to the change of name. It was enacted¹⁶³ "That the Town laid off by Joseph Vidal, in the Parish of Concordia, on the Mississippi River, and opposite the City of Natchez, the plan of which is filed in the public archives, be and the same is hereby established a Town, to be called and known by the name of Vidalia; and the Police Jury of the Parish of Concordia shall have the power, and it is hereby made their duty to provide regulations for the internal police of said Town; provided that this act shall not impair or affect the rights or titles of individuals to land on which this Town is situated."

The first school house was erected in Vidalia in 1812, being the first in the Parish. On July 6th, 1812, Joseph Vidal donated¹⁶⁴ to the Parish of Concordia, represented by David B. Morgan, David Lattimore and John Minor, "Administrators duly authorized to build and establish a school in the County of Concordia," for the purpose of building a school house thereon: "Lot No. Two in Square Five, having a front of sixty feet on Washington Street, and running back 130 feet, as shown by the plat of said Town." On the same day, Thomas G. Humberson, carpenter, executed bond for the erection by him of the school building.¹⁶⁵

As early as 1812, a steam saw mill had been erected here by Vidal, and also a Gin, which, however, was not operated by steam at that time. In October, 1812, Vidal made a contract with one Anderson, for the management of his plantation and slaves, and the operation of his gin and blacksmith shop, and "particularly of the steam mill, the said Vidal to have the privilege of sawing 30,000 feet of planks for his own use, and the said Anderson to make all contracts for logs for the supply of said mill."¹⁶⁶

The first Post Office was established after the adoption by legislative act of the name "Vidalia," but the Post Office continued to be known as "Concordia." James Dunlap was the first Post

¹⁶³ Acts 1811, Chapter 7, p. 22.

¹⁶⁴ Conveyance Book "B", p. 148.

¹⁶⁵ Original document, unrecorded—Archives.

¹⁶⁶ Conveyance Book "B", p. 204.

Master, his bond being dated August 19, 1813. He was succeeded by Joseph Dunlap, per his bond dated October 5, 1814; and he was succeeded by Samuel Thornberry, per his bond dated June 21, 1815. Thornberry resigned, and recommended Joseph Vidal Jr., but the office seems to have been discontinued.¹⁶⁷

There was no Post Office in Concordia Parish in 1838, and 1839, the Parish at that time having a river frontage of 135 or more miles. The inhabitants received their mail at Fort Adams, Natchez, Rodney or Grand Gulf. Letters directed simply to "Concordia" were forwarded by the New Orleans office to Natchez.¹⁶⁸

By Legislative Act of 1833, the Mechanics & Traders Bank was incorporated, with a capital of two million dollars, to do a banking business at New Orleans, with branches at Opelousas and Vidalia. Two hundred thousand dollars of the stock was to be subscribed in Concordia.¹⁶⁹ The Vidalia branch was established with W. A. Dunlap as Cashier. He was succeeded by James H. Veazie, and the branch was operated for several years, as shown by our mortgage and other records.

On June 21, 1837, John S. Alexander and William Poindexter, Commissioners appointed by the Police Jury, contracted¹⁷⁰ with one Seth Youngs, building contractor, to build and equip a two-story brick jail, for \$12,900.00. On August 16, 1837, the Commissioners report that Youngs had been at work, and had been paid considerable money, but the work was unsatisfactory, and as it appeared that he was attempting to defraud the Parish, the contract had been annulled and new bids asked, but that the lowest bid was \$2,000.00 above the original contract price.¹⁷¹ We do not know by whom, or when, this jail was completed.

We have no record or obtainable information as to our Court House building at that time. The *Natchez Free Trader*, in its issue of March 7, 1840, in narrating the tornado of that date, says: "The Court House at Vidalia, Parish of Concordia, is utterly torn down . . . The Parish jail is partly torn down."

On May 12, 1843, W. Byrnes and W. G. Beal, Commissioners for the Police Jury, contracted¹⁷² with James M. Vandervoort for the building of a two-story brick Court House, the specifications

¹⁶⁷ Original record, suit Thornberry vs. Broughton, (1816); no docket number—Archives.

¹⁶⁸ Commercial Bank vs. John Routh, 7th La. Ann., p. 128.

¹⁶⁹ Act of April 1, 1833, p. 125, Sec. 26.

¹⁷⁰ Original, unrecorded, document—Archives.

¹⁷¹ Original, unrecorded, document—Archives.

¹⁷² Original, unrecorded, document—Archives.

calling for a building apparently of the size and style of the one we now have. No Police Jury records are extant for that period, and we do not know when it was completed.

Our present Parish Office Building was erected in 1856. W. R. C. Vernon, George W. Green and D. L. Rivers composed the Building Committee, and in the minutes of the Jury meeting of January, 1857, we find their final report, the building having been completed at a cost of \$5,644.63. The contractors were Weldon Brothers. When the flooring was taken up in this building nearly seventy years later, to replace with fireproofing, the cypress joists and timbers were as sound as the day they were put in—truly "the wood eternal."

Our present jail was built in 1859 and 1860, by Weldon Bros., the Building Committee being Lemuel P. Conner, George W. Green and John Janney, and from their final report to the Jury, May 4, 1860, we find the total contract price, including tearing down and removing the old building, was \$30,000.00.

The old Court House was burned in the Spring of 1870, and at the meeting of the Jury on April 4, 1870, a Building Committee was named, consisting of Judge William B. Spencer, A. B. Harris and Wilson Robertson, to supervise new erection, and a $\frac{3}{8}$ th of one mill tax was levied for that purpose. The new building was erected on the old foundation, and was accepted at the meeting of the Jury in January, 1871.

Vidalia was incorporated by Special Act of the Legislature, March 16, 1870.¹⁷³ On April 1, 1901, the Town elected, through a majority of its voters, to come under the general incorporation act of 1898, and proclamation to that effect was made by Governor Heard.¹⁷⁴

In 1905, the Town limits were extended by ordinance, so as to include the Oil Mill and Railroad properties, lying south of the old limits. The ordinance was attacked in the Courts, on the ground that certain provisions of the incorporation act of 1898 were unconstitutional, and that the proposed extension was unreasonable. The Supreme Court upheld the constitutionality of Act 136, and the validity of the ordinance.¹⁷⁵

From time to time, there have been additions to the original town-site, some of them being: the McDowell, the Ratchford, the

¹⁷³ Act No. 34, p. 76, Ex-Sess. 1870.

¹⁷⁴ Corporate Minute Record Book.

¹⁷⁵ 117th La. Reports, p. 561.

Dale & Dodson, the Cross, the Carter and the Gillespie Additions, and the Hough Plat.

The Bank of Vidalia was chartered March 7, 1903, with a capital of \$25,000.00, and with the following Board of Directors: J. L. Dagg, John Dale, M. C. Reeves, I. Friedler, B. Y. Wade, D. Lemle, J. M. Honig, Charles Moritz, O. G. Kelly, J. L. Rountree, W. H. Hudnall, W. G. Walton, A. H. Gillespie, A. L. George and A. G. Campbell. It opened for business July 1, 1903, with A. H. Gillespie as President, who after several years, was succeeded by John Dale, still the executive head of the institution. By charter amendment of May 4, 1918, its name was changed to Vidalia Bank & Trust Company, and the capital increased to \$50,000.00; and by another charter amendment of November 19, 1926, the name was changed to the Concordia Bank & Trust Company.

In 1903, a Town election was held to authorize a bond issue for the installation of an electric light and water-works plant. The election carried and the plants were installed and accepted by the Town Council on June 2, 1904.

A natural gas distribution system was completed in the fall of 1928.

The Union Church of the Protestant Denominations, built on land donated by Mrs. Pauline Carter, was erected in 1901; and the Catholic Church was built a few years earlier.

No Town records prior to 1900 are in existence, and we cannot give the names of all the early Mayors. From meager newspaper files, we find that J. S. Meng was Mayor in 1875; Thomas Humason in 1880; A. H. Gillespie in 1883, and Thomas J. Wallace in 1887. Since 1900, our Mayors have been, in the order named: J. E. Schiele, E. P. Campbell, John S. Boatner Jr., Joseph M. Reeves, John Dale, K. P. Chaze, Philip Hough, and George A. Murray, incumbent.

The population of Vidalia, by 1930 Census, is 1141.

(To be Continued)

SHIP LISTS OF PASSENGERS LEAVING FRANCE FOR LOUISIANA, 1718-1724

THIRD INSTALLMENT

(CONTINUED FROM QUARTERLY, JANUARY, 1932)

Transcribed from the copies of the originals obtained in France for the Louisiana Historical Society and now in its library in the Cabildo in New Orleans in a bound volume "Louisiane. Passagers. 1718-1724."

Translated by Albert Laplace Dart of New Orleans

1719.

IV.

Rôle des personnes embarquées pour la Louisianne sud la Flûte la Marie commandée par Mr. Tapic party de la rade Chef de Baye pour la ditte Colonie le vingt huit May, 1719.

(List of the persons embarked for Louisiana on the flute "The Marie" commanded by M: Tapic left the roadstead of Chef de Baye for the said colony the twenty-eighth of May, 1719.)

PREMIÈREMENT

(FIRST)

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Le Sr François Nicolas Caze	1	...	...	..
Le Sr Jacques Caze de Guisy	1	...	...	...
Ouvriers ou domestiques (Workmen or servants)				
Pierre Mascavy	1	...	...	...
François Bechet	1	...	...	...
Marie Bechet .....	..	1	...	...
Guillaume Bechet	1	...	...	...
sa femme (his wife) .....	..	1	...	...
Jean Bechet age de 4 ans (four years old) .....	..	...	1	...
Genevieve Bechet .....	..	1	...	...
Antoine Caupin	1	...	...	...
Concession de Mr Valdetere (Concession of Mr. Valdetere)				
François Marechal	1	...	...	...
Pierre Verié	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Louis Bergé	1	...	...	...
Louis de la Haye	1	...	...	...
Marie Fret .....	..	1	...	...
Laurens Boyneau	1	...	...	...
François Tezé	1	...	...	...
de l'autre part (listed above)	12	4	1	17
Concession de Mr. de Laire (Concession of Mr. de Laire)				
Jean Brulé	1	...	...	...
Robert Jacob	1	...	...	...
Gennevieve Poulin sa femme (his wife) .....	..	1	...	...
Passagers Particuliers (Private Passengers)				
La Demoiselle Duval (Mrs. Duval) . . .	..	1	...	...
La Dlle Charlotte Duval, sa fille (Miss Charlotte Duval, her daughter) .....	..	...	1	...
Marie Louise Elizabeth Lepiner .. ..	..	1	...	...
Marie Charlotte, petite, sa fille (a little girl, her daughter) .....	..	...	1	...
Jacques Pigeaud Me Cordier (rope- maker)	1	...	...	...
Pierre Pigeaud } François Pigeaud } .....	..	...	3	...
Louis Pigeaud }				
Rene Etienne Meroq de Saumier..	1	...	...	...
Louis Monville	1	...	...	...
Le Sr Boutard	1	...	...	...
Antoine Falcon	1	...	...	...
Gens engagez au service de la Cie pour la Louisiane (People engaged in the service of the Company for Louisiana)				
Claude Bordier, Masson (mason) ..	1	...	...	...
Louis de La Soeur, matelot (sailor)	1	...	...	...
Thoynaud Filatreau sa femme (his wife) .....	..	1	...	...
Andre Magon	1	...	...	..

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Mauthurin Bonnet sa femme (his wife) .....	..	1	...	...
Louis Courtez	1	...	...	...
Jean Baptiste Frebourg	1	...	...	...
Samuel St. Quentin	1	...	...	...
	25	9	6	40
de l'autre part (listed above) ..	25	9	6	40
Troupes (Troops)				
Mr. Le Valdeterre, Capitaine (captain)	1	...	...	...
Mr. de Saintray de Birague, Lieu- tenant (lieutenant)	1	...	...	...
Mr. Marchand de Courcel, Lieuten- ant (lieutenant)	1	...	...	...
Le Sr. Dumont de Montygnny, sous lieutenant (second-lieutenant) .	1	...	...	...
Lr Sr. Malouet, idem (ditto) ...	1	...	...	...
Le Sr. Andriot, idem (ditto) ...	1	...	...	...
Le Sr. Flaming, Enseigne (ensign)	1	...	...	...
Cadets (cadets)				
Le Sr. François Soyez	1	...	...	...
Sergents (sergeants)				
Garnier	1	...	...	...
Giberty	1	...	...	...
Guerin	1	...	...	...
Soldats (soldiers)				
Vincent	1	...	...	...
Jean Gentil	1	...	...	...
Edme Vitard	1	...	...	...
Benoise Temin sa femme (his wife) ..	..	1	...	...
Jean Buffy	1	...	...	...
Charles Diette	1	...	...	...
Jean Beauvois	1	...	...	...
Charles Vollard	1	...	...	...
Michel Mechin	1	...	...	...
François Le De	1	...	...	...
Barthélemy de La Haye	1	...	...	...
Pierre La Motte	1	...	...	...
Pierre Sozet	1	...	...	...
Jean Marquet	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
François Balet	1	...	...	...
Nicolas Belleret	1	...	...	...
Rogues Michel	1	...	...	...
	52	10	6	68
de l'autre part (listed above)	52	10	6	68
Louis Damont	1	...	...	...
Jean Clautier	1	...	...	...
Christophe Maninard	1	...	...	...
Louis Dupain	1	...	...	...
Pierre Parils	1	...	...	...
Nicolas Florieux	1	...	...	...
Pierre Le Roy	1	...	...	...
Robert de la Haye	1	...	...	...
Jean Follin	1	...	...	...
Jean Marchand	1	...	...	...
Claude Benoist	1	...	...	...
François Dumont	1	...	...	...
Jacques Michel Biberon	1	...	...	...
Jacques Guerin	1	...	...	...
Louis La Marche	1	...	...	...
Déserteurs et autres envoyage par ordre du roy	(Deserters and others sent by order of the King)			
Michel Beau	1	...	...	...
François Charpentier	1	...	...	...
Pierre Laurendicq	1	...	...	...
Marie Françoise Coquerelle, sa femme (his wife) .....	..	1	...	...
Françoise Laurendicq sa fille (his daughter) .....	..	...	1	...
Jean Pierre Bongor	1	...	...	...
George Clarasky	1	...	...	...
Benoist Monder St. Amant	1	...	...	...
Pierre Le Tourneur	1	...	...	...
Philippe Sterling	1	...	...	...
Jean B ^{te} Breau	1	...	...	...
Jacques Begon	1	...	...	...
Pierre Pasquier	1	...	...	...
Passerasse Hobreman	1	...	...	...
Thomas Hoorwegh du Hoost	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Jean Boyd mort en route de Maladie (died of sickness en route)	1	...	...	...
François Longchamp	1	...	...	...
	82	11	7	100
de l'autre part (listed above)	82	11	7	100
Jean Françoise Vigneron	1	...	...	...
Daniel Liguët	1	...	...	...
Marguerite de Larbre sa femme (his wife) .....	..	1	...	...
Catherine Ligny sa fille (his daughter) .....	..	1	1	...
Jean B ^{te} Jarry	1	...	...	...
Jean Janson de Lagrange	1	...	...	...
Marie Ferdinande Cotet sa femme (his wife) .....	..	1	...	...
Isabelle Jansot sa fille (his daugh- ter) .....	..	...	1	...
Ambroise Moreau	1	...	...	...
Jeanne Paul sa femme (his wife) ..	..	1	...	...
Nicolas Le Breton	1	...	...	...
Jacques Le Bourgeois	1	...	...	...
Gabriel Maindet	1	...	...	...
Jean François de la Gaubertiére ..	1	...	...	...
Jacques Salmon	1	...	...	...
Pierre Masson	1	...	...	...
Michel Gaultier	1	...	...	...
Jean Housset dit Ringal (called Ringal)	1	...	...	...
Jeanne Partois sa femme (his wife) ..	..	1	...	...
Louis Galle	1	...	...	...
Catherine Nicole sa femme (his wife) .....	..	1	...	...
Dominique Reges ou Lamotte fraudeur de tabac sa femme est à Cognac en prison (smuggler of tobacco, his wife is at Cognac in prison)	1	...	...	...
Vandre Cuttin de Gembry	1	...	...	...
Ignace de Bolle	1
Antoine Gerre de Lavillette	1
François Bufet	1
Simon Stelly	1

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CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Albert de St. Frouly	1	...	...	...
Jacques Callay	1	...	...	...
Marie Boyer fille agé de 20 ans (girl 20 years of age)				
Aristian Ladner Luisse	1	...	...	...
Pierre Bargan	1	...	...	...
Pierre François Petrouchy	1	...	...	...
	<hr/> 107	<hr/> 17	<hr/> 9	<hr/> 133
de l'autre part (listed above)	107	17	9	133
Gens venus depuis les Rolles arrêtez (Persons arrived since the closing of the Rolls)				
Le Sr. Coutte de la Concession de Mrs. de Laire (of the Concession de Mrs. de Laire)	1	...	...	...
Le Sr. de Chavannes par Lettre de Cachet (by lettre-de-cachet)	1	...	...	...
Le Sr. Jullien Sansor, fradeur de tabac (smuggler of tobacco)	1	...	...	...
Louis Raymond Boildieu, soldat (soldier)	1	...	...	...
Jean B ^{te} Boquet, id. (ditto)	1	...	...	...
Milan Denis, id. (ditto)	1	...	...	...
Charles Bontems, Cadet (cadet) ...	1	...	...	...
Louis Telbo de Luçon de la Concession de Mr. Valdeterre (of the Conces- sion of Mr. Valdeterre)	1	...	...	...
Rene Gautier, Soldat de la Com- pagnie (soldier of the Company)	1	...	...	...
François Gentil, id. (ditto)	1	...	...	...
Monsr. de Rouvere, sous Lieutenant d'Infanterie (sub-lieutenant of the Infantry)	1	...	...	...
Marie Landrot fe. d'un soldat (wife or daughter of a soldier)		1	...	...
	<hr/> 119	<hr/> 18	<hr/> 9	<hr/> 145

Je soussigné Directeur de la Compagnie d'Occident certifie
le présent Rôle véritable pour le nombre de cent quarante six

CONCESSIONNAIRES—Continued

personnes embarquées sur le vaisseau *Le Marie* sous le Commandement du Sr. Tapye a La Rochelle le 27 May 1719.

LESTOBEC

Il est permis au sus-dit Capitaine de passer dans sons vaisseau *La Marie* les cent quarante six personnes denommez dans le present Rôle aux conditions qu'il observera Les ordonances du Roy.

Fait à la Rochelle Le 27, May, 1719.

HURLOT

Jacques Renaud envoyé de Rouën par Lettre de Cachet arrivé depuis le present Rolle arreté ce que je certiffie véritable ven-foy pour le d. Renaud.

LESTOBEC

HURLOT

(I the undersigned director of the Company of the West certify the present list real for the number of one hundred and forty-six persons embarked on the vessel "*The Marie*" under the commandment of Sr. Tapye at La Rochelle on May 27, 1719.

LESTOBEC

It is permitted to the aforesaid Captain to pass in his vessel "*The Marie*" the one hundred and forty-six persons named in the present list on condition that he will observe the ordinances of the King.

Done at La Rochelle, May 27, 1719.

HURLOT

Jacques Renaud sent from Rouen by lettre-de-cachet arrived since the completion of the present list, which I certify real and true in faith for the said Renaud.

LESTOBEC

HURLOT

V.

LE VAISSEAU *L'UNION*—(THE VESSEL "*L'UNION*")

Rôle des personnes embarquées pour la Louisianne sur le vaisseau *L'Union* commandé par Mr. de la Mancelière Grané party de la rade de Chef de Baye pour la ditte Colonie le 28^e. May de la presente année 1719.

(List of the persons embarked for Louisiana on the vessel the "*Union*" Commanded by Mr. de la Mancelière Grane left the roadstead of Chef de Baye for the said colony the 28th of May of the present year 1719.)

CONCESSIONNAIRES—Continued

Premièrement (first)

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Monsieur de Villardeau, Directeur Général de la Colonie de la Louisianne (Director-General of the Colony of Louisiana)	1	...	...	...
Le Sr. Marlot, teneur de livre de Villardeau (bookkeeper of Mr. de Villardeau)	1	...	...	...
Jean Bard de Paris, valet de Mr. de Villardeau (of Paris, valet of Mr. de Villardeau)	1	...	...	...
Concessionnaires (Concessionaires)				
Mr. Renaud	1	...	...	...
Catton	1	...	...	...
Les Srs. Ozias	1	...	...	...
Durendy	1	...	...	...
de La Brosse	1	...	...	...
Pugeol	1	...	...	...
Lallemand	1	...	...	...
Bernard Toré	1	...	...	...
La femme du dit Sr. Toré (the wife of said Sr. Toré) .....	..	1	...	...
sa fille (his daughter) .....	..	...	1	...
Ignace Roerou	1	...	...	...
Ouvriers de la Concession de Monsr. Renaud (Workmen of the Concession of Mr. Renaud)				
François Bastin	1	...	...	...
Joseph Pepin	1	...	...	...
Pierre Troquelet	1	...	...	...
	15	1	1	17
de l'autre part (listed above)	15	1	1	17
Antoine Denis	1	...	...	...
Simon Jacquemin	1	...	...	...
Joseph Chartier	1	...	...	...
Gregoire Stin	1	...	...	...
Jean Jacques Petrard	1	...	...	...
Pierre de la Plante	1	...	...	...
Jean Lamontagne	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Jean B ^{te} Le Feure	1	...	...	...
Nicolas Dumont	1	...	...	...
Jean Pouillard	1	...	...	...
Hubert Fine	1	...	...	...
Joseph Gautier	1	...	...	...
Laurens Rocroix	1	...	...	...
Lievains Frogneux	1	...	...	...
François Beguet	1	...	...	...
Nicolas Baudeson	1	...	...	...
Philippe Manur	1	...	...	...
Leonard Blampin	1	...	...	...
Joseph Catherine	1	...	...	...
Nicolas Darmuseau	1	...	...	...
Hubert de Tierse	1	...	...	...
Barthelemy Renier	1	...	...	...
Joseph Faussier	1	...	...	...
Louis Legrand	1	...	...	...
Remis Bisseret	1	...	...	...
Joseph Boissieux	1	...	...	...
Joseph Morage	1	...	...	...
Guillaume Britel	1	...	...	...
Jacques Coquillard	1	...	...	...
Pierre Tisson	1	...	...	...
Jean de la Garde	1	...	...	...
Antoine Prevost	1	...	...	...
Jeanne Prevost sa femme (his wife) ..		1	...	...
Elizabeth Prevost sa fille (his daughter) .....	...	...	1	...
Annette Prevost idem (ditto) .....	...	...	1	...
Gabriel Le Doux fille (girl) .....	...	...	1	...
Jean Jacques de Manaye	1	...	...	...
	48	2	4	54
de l'autre part (listed above)	48	2	4	54
Concession de Mrs. de Ponival (Concession of Messieurs de Ponival)				
Le Sr. Jacques de Ponival	1	...	...	...
Le Sr. Claude de Ponival	1	...	...	...
Ouvriers (workmen)				
Joseph de Trusquelay	1	...	...	...
Jean de Trusquelay	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Jean Lavenant .....	..	...	1	...
Marin Saumon .....	..	...	1	...
Thomas Martin .....	..	...	1	...
René Gaudin	1	...	...	...
Jean Le Gallay	1	...	...	...
François Chevalier	1	...	...	...
Jean Gerard .....	..	...	1	...
Passagers particuliers (<i>Private passengers</i>)				
Le Sr. Couturier	1	...	...	...
Jeanne Gaudin sa femme (his wife) ..	..	1	...	...
Jeanne Couturier leur fille (their daughter) .....	..	1	...	...
Pierre Desjean adressé à Mr. Diron Capitaine à la Louisianne (di- rected to Mr. Diron, captain in Louisiana)	1	...	...	...
Le Sr. Renaud	1	...	...	...
Le Sr. François de Verteuil de Beaumasson	1	...	...	...
Jean Verteuil son fils (his son) .....	..	...	1	...
Le Sr. Descreuset	1	...	...	...
Troupes (troops)				
Le Sr. Carrier de Mancray, cape. (captain)	1	...	...	...
Le Sr. De Beauchamp, Lieutenant (lieutenant)	1	...	...	...
Le Sr. Degua, id (ditto)	1	...	...	...
Le Sr. Le Sorteval, id (ditto)	1	...	...	...
Made. De Sorteval son épouse (his wife) .....	..	1	...	...
Le Sr. de Kgoet-sous lieutenant (second lieutenant)	1	...	...	...
Le Sr. Deysautier, idem (ditto)	1	...	...	...
Le Sr. de Coustillan id (ditto)	1	...	...	...
	67	4	10	81
de l'autre part (listed above)	67	4	10	81
Cadets (cadets)				
Le Sr. Moguet	1	...	...	...
Sandra	1	...	...	...
Michel	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Darbonne	1	...	...	...
Dufour	1	...	...	...
Mauricet	1	...	...	...
Deysautier	1	...	...	...
Reneux	1	...	...	...
Sergent (sergeant)				
Jacques Livet	1	...	...	...
Soldats (soldiers)				
Pierre Charles Sainton	1	...	...	...
François Augustin Sainton	1	...	...	...
Pierre Heroulx	1	...	...	...
Vincent François Annet	1	...	...	...
Pierre Jamin	1	...	...	...
Nicholas Bringuan	1	...	...	...
Robert Cheron	1	...	...	...
Jean Lavergne	1	...	...	...
George Ysquain	1	...	...	...
Jean Louis Lousy	1	...	...	...
Louis Salomon	1	...	...	...
Adrien le Capitaine	1	...	...	...
Jacques Paquet	1	...	...	...
Guillaume Barbeau	1	...	...	...
Jacques Chevrié	1	...	...	...
Pierre Gobet	1	...	...	...
Philippi Marteau	1	...	...	...
François Perichon	1	...	...	...
Charles Croliés	1	...	...	...
Nicholas Robin	1	...	...	...
François Patreu dt. Beaulieu (called)	1	...	...	...
Claude Gouin	1	...	...	...
	98	4	10	109
de l'autre part (listed above)	98	4	10	109
Gens engagez pour le service de la Comp ^e à la Louisiane (Persons engaged in the service of the Company in Louisiana)				
Antoine le Breteche Me. Canonier (Gunner)	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Le Sr. Boiriou earluer patron de Felougue (Coxswain of Felougue)	1	...	...	...
Le due Boiriou son épouse (his wife) . . . . .	..	1	...	...
Jean Viens dt Carpantra Charper...	1	...	...	...
Exiliez par ordre du Roy (Exiled by order of the King)				
Le. Sr. Praromand Suisse (Swiss) .	1	...	...	...
Le Sr. Nolland Irlandois (Irishman)	1	...	...	...
Le Sr. De Baliguand de St. Quentin (of St. Quentin)	1	...	...	...
Le Sr. Tourdan de Paris (of Paris)	1	...	...	...
Nicolas Joussaint dt. La Bonté (called La Bonté)	1	...	...	...
Jean George dt. Bataillard (called Bataillard)	1	...	...	...
Claude Duval dit San Soucy (called San Soucy)	1	...	...	...
Hyacinthe Geoffray dit Provinçal (called Provinçal)	1	...	...	...
Déserteurs des troupes du Roy (Deserters from the troops of the King)				
Jean Duval dit St. Jean (called St. Jean)	1	...	...	...
Joachim Claude dit San Façon (called Sans Façon)	1	...	...	...
Gaspard Stichy de Suisse (Swiss) ..	1	...	...	...
Joseph Augustin Bobles	1	...	...	...
Gaspard Engler de Suisse (Swiss) .	1	...	...	...
Nicolas Jardinier	1	...	...	...
François Pozat	1	...	...	...
Pierre Bideau dt. St. Jacques (called St. Jacques)	1	...	...	...
Marice Chesy	1	...	...	...
Pierre Leonard dt. St. Michel (called St. Michel)	1	...	...	...
Jean de la Creuse dit Comtois (called Comtois)	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
Jacques Lorin dit Tarascon (called Tarascon)	1	...	...	...
	121	5	10	136
de l'autre part (listed above)	121	5	10	136
Louis Vincent Terasse dit Poitevin (called Poitevin)	1	...	...	...
Claude Antoine dit Vaudray (called Vaudray)	1	...	...	...
Paquet de Guisse dit Sançoucy (called Sançoucy)	1	...	...	...
Barthelemy Grandrin dit St. Louis (called St. Louis)	1	...	...	...
Jean Despace dit Beausejoir (Called Beausejoir)	1	...	...	...
Jean Almene dit Langlois (called Langlois)	1	...	...	...
Antoine Medieu dit Bellefleurs (called Bellefleurs)	1	...	...	...
Jacques Jeune dit Baguette (called Baguette)	1	...	...	...
Mathieu Salouin	1	...	...	...
Vincelle Starusquy	1	...	...	...
Zaccarie Beaurepas	1	...	...	...
Jean Guillaume Beuret	1	...	...	...
Antoine Gabriel dt. la Forest (called La Forest)	1	...	...	...
Gaspard Silar	1	...	...	...
Gerouilt Vattre	1	...	...	...
Martin Raspasser	1	...	...	...
François Antoine dt. Tosse (called Tosse)	1	...	...	...
Claude Fortier dt. sans regret (called sans regret)	1	...	...	...
Noel Aubert	1	...	...	...
Andre Pasquier	1	...	...	...
François Tibaud dt. Sans Quartier (called Sans Quartier)	1	...	...	...
Louis Dange dt. La Sonde (called La Sonde)	1	...	...	...
Simon Laine	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfants (Children)	Nombre (Number)
François de Salle	1	...	...	...
Michel Grandin dt. St. Amant (called St. Amant)	1	...	...	...
Rene Brindonneau	1	...	...	...
Jean Renaud	1	...	...	...
	<hr/> 148	<hr/> 5	<hr/> 10	<hr/> 163
de l'autre part (listed above)	148	5	10	163
Fraudeurs de tabac (Tobacco smugglers)				
Pierre Voisin dit Montreuil (called Montreuil)	1	...	...	...
Pierre Bouteau	1	...	...	...
Faussonniers (Dealers in contraband salt; salt smugglers)				
Claude Guillaume de Loan	1	...	...	...
Jean Guillaume id. (ditto)	1	...	...	...
Pierre Magny	1	...	...	...
Vagabons envoyés de Paris et autrés de Rennes (Vagabonds sent from Paris and and others from Rennes)				
Jean Chechery	1	...	...	...
Charles Bellamy	1	...	...	...
Germain Casse dt. Godain (called Godain)	1	...	...	...
Jean Launay Dumans	1	...	...	...
Urbain Paquiot	1	...	...	...
Rene Autain de la Meilleraye	1	...	...	...
François Soussié	1	...	...	...
Jean Chesnay de la Flèche	1	...	...	...
Pierre Arreau	1	...	...	...
Thomas des Mars	1	...	...	...
Pierre Guerard de Grand Camp ...	1	...	...	...
Nicolas Valet	1	...	...	...
Jean Charles	1	...	...	...
Jean Guilloy	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr Caze (Concession of Sr. Caze)	hommes (men)	femmes et filles (women and girls)	Enfans (Children)	Nombre (Number)
Jean B ^{te} Ferrand dt. de Melcoeur (called de Melcour)	1	...	...	...
Jean Verrier	1	...	...	...
Robert Teusse	1	...	...	...
Charles La Cour	1	...	...	...
Simon Menard	1	...	...	...
Jacques Larmeron	1	...	...	...
Jean Vernoy dt. Le Compte (called Le Compte)	1	...	...	...
	<hr/> 174	<hr/> 5	<hr/> 10	<hr/> 189
de' l'autre part (listed above)	174	5	10	189
Etienne Toussiger	1	...	...	...
Louis Blav	1	...	...	...
Pierre Senouche	1	...	...	...
Guillaume Dempierre	1	...	...	...
	<hr/> 178	<hr/> 5	<hr/> 10	<hr/> 193

Je soussigné Directeur de la Compagnie d'Occident Certifie
Le present Role véritable pour Le nombre de Cent quatre vingt-
treize personnes embarquées sur le vaisseau L'Union sous le Com-
mandement de Mr. de La Manceliere Grané. Fait a La Rochelle
le 27 May 1719. LESTOBE

Il est permis au sus-dit Capitaine de passer dans son vais-
seau L'Union les cent quatre-vingt-treize personnes denommées
dans le présent Rôle aux conditions qu'il observera Les ordon-
nances du Roy. Fait à La Rochelle le 27 May 1719. HURLOT

(I the undersigned director of the Company of the West
certify the present List real for the number of one hundred and
ninety-three persons embarked on the vessel "The Union" under
the commandment of Mr. de la Manceliere Grané. Done at La
Rochelle May 27, 1719. LESTOBE

It is permitted to the aforesaid captain to pass in his vessel
"The Union" the one hundred and ninety-three persons named
in the present list on condition that he will observe the ordinances
of the King. Done at La Rochelle May 27, 1719.) HURLOT

(To be continued)

SPAIN'S REPORT OF THE WAR WITH THE BRITISH IN LOUISIANA

By Jac Nachbin

Research Associate, Northwestern University

NOTE BY EDITOR, LOUISIANA HISTORICAL QUARTERLY

THE TITLE of this paper should perhaps have followed the language of the document upon which it is based. It is there set forth as a report

"of the expedition the Spanish Arms had made against the settlements and forts which Great Britain held on the East bank of the Mississippi."

The facts as recited in the *Suplemento* may be compared with Martin's brief account,¹ but Gayarré gives a full account citing the *Suplemento*.² He paraphrases it and further adorns the narrative with rhetoric and sentiment as in the famous passages describing Galvez' speech at the Plaza in New Orleans.

Local writers on the subject have in the main followed Gayarré. The latter was justly proud of this feat of arms, because of the part taken by his Spanish grandfather, Don Juan Antonio Gayarré, who was the Commissary of the Mississippi River Expedition, and served in the same capacity during a part of the Mobile Expedition, which is not included in the report printed in the *Suplemento*. For the first service the Commissary was promoted to the post of Contador (Auditor) at Acapulpa and he left Louisiana at once and before the war was ended to fill his new position. He died in Mexico in 1787 and his widow and children returned to New Orleans.

The Quarterly printed in 1929 the English Colonel Dickson's account of the battle of Baton Rouge and the terms of the capitulation granted by Governor Galvez.³—H. P. D.

¹ *History of Louisiana* (Edition of 1882) p. 227.

² *History of Louisiana, Spanish Domination*, III, p. 121-134.

³ *La. Hist. Qy.*, 12, p. 255-265, April, 1929.

INTRODUCTION BY MR. NACHBIN

REPORTS on Spanish affairs in North America have been as varied as their transmitters. Very rarely have official documents been disclosed. Most of them are still hidden in the courts of the former Spanish monarchy, and only privileged individuals had access to them. Those reports which have been published always bear the approval of the monarch's court.

Thus with Spain's Report of the War With The British In Louisiana. This report, the translation of which follows, was first published in the *Suplemento A La Gazeta de Madrid*, issued on January 14, 1780.¹ The courier of this report is the well known Spanish official, Don Joseph Valiere, a former citizen of New Orleans. However, it seems that the Report might have been an "inspired" account by Don Bernardo de Galvez, at one time Governor of Havana and of Louisiana.

This document, with its important and unimportant details, is rather curious, and as far as I know, no reprint of it has been made in the United States.

My interest in this particular record was aroused last winter, when Professor James A. James, formerly Dean of the Graduate School at Northwestern University, Evanston, Illinois, gave me the opportunity of looking over a group of Spanish photostats owned by the Chicago Historical Society. At that time I could not work on the material because it had to be returned. Last summer, I became more interested in it, but the Chicago Historical Society was in the process of moving and had no library accommodations. I therefore secured a photostat from Madrid as I was not able to locate a copy of this in the larger libraries of the United States. Neither could I find a record of it in the calendars relating to the history of the United States. In Roscoe R. Hill's *Descriptive Catalogue*,² the courier, Joseph Valiene, is mentioned, but in connection with another document.

Because of its rarity, I made a full transcription of the photostat in my possession for the purpose of making available an extra copy of this document.³ I have made the following translation at the suggestion of Mr. Henry P. Dart, Editor of the Louisiana Historical Quarterly, and it is the first rendering ever made in the English language.

¹ It is found in said *Suplemento*, pp. 33-43.

² Published by the Carnegie Institution of Washington, Washington, D. C., 1916.

³ The transcription of this Report is lodged in the Louisiana Historical Museum at New Orleans, La.

SUPPLEMENT TO THE *Gazeta de Madrid*,
FRIDAY, JANUARY 14, 1780

On the fourth day of the present month there arrived at this court, Don Joseph Valiere, a retired officer of the armies of His Most Christian Majesty, and now a citizen of New Orleans. He brought personal reports of the expedition the Spanish arms had made against the settlements and forts which great Britain held on the east bank of the Mississippi.

From these it was seen that for more than a year frequent news had been received in Louisiana of the preparations made by the English in the posts of Manchak, Baton Rouge, and Natchez which they strengthened daily with veteran troops from Pensacola and Georgia. Preparations such as these could have for an object only the early invasion of the Province. For his defense the Governor had taken such measures as were consistent with his situation, but all seemed useless in view of the superiority of the English forces, and the opportunity which they had for an advantageous attack.

Such a state of affairs had manifested itself repeatedly at the court and before the Governor of Havana. He had sent to New Orleans considerable amounts of ammunition, and had promised that in case of outbreak he would aid immediately with a battalion of infantry.

In these circumstances the news arrived in Louisiana that, judging from the procedure of the English, war was inevitable. In such a perplexing situation it seemed well to the Governor to act in agreement with the officers of his garrison. He therefore convoked an assembly (*junta*), and showed all of them the outlay of the Province, the state of the English forces, and the condition of ours. Everyone agreed that if some reinforcement did not arrive from Havana it would be necessary to fortify themselves in the Capitol and confine themselves to the defensive.

Ready to follow this suggestion, dictated by necessity, he (the Governor) was in the midst of taking the most suitable precautions for a vigorous defense when he received the declaration of hostilities. The nature of these precautions, of which the English had no knowledge, he was careful to hide from everyone. He then considered that they (the English) might be taken by surprise and attacked in their own posts before

they would learn of the break with Spain. Forthwith it was decided in view of the policy of His Majesty which was to attack the enemies vigorously whenever the proportion of power was such that they could do so without fear, to get the upper hand over the English and deprive them of the means of putting into practice their dangerous plans. Actually they (the English) contemplated surprising New Orleans as had been seen from two letters intercepted in Natchez in which was detailed the plan of this operation, as referred to in the *Gazetta* for December 31, No. 106.

Moreover, it was not likely that the English would content themselves with this conquest alone. As possessors of the two banks of the Mississippi they could undertake war against New Mexico and other provinces of the Kingdom of New Spain.

These considerations stimulated the Governor to undertake with the greatest secrecy and dissimulation his preparations for attacking the forts of the enemy. It was his plan on the 20th of August to invite those inhabitants of the colony who would care to follow him when he began his march on the 22nd of August. However, on the 18th there suddenly came about a hurricane so violent that in less than three hours it sank all of the ships in the river (with the exception of the King's frigate, *El Volante* which, with its masts broken, was saved through the diligence of its commander, D. Luis Lorenzo de Terrazas.) The hurricane demolished many houses in the city and, for a distance of 15 leagues, destroyed part of the habitations situated on the bank of the river. It occasioned the loss of the harvest, the death of large portions of the herds, and the general consternation of the inhabitants of the Province.

This calamity, as terrible as it was unexpected, in destroying a large part of the preparations made, seemed to defeat entirely the measures of the Governor. It made him reflect, that if in that situation in which all of their spirits were lowered, time was given to the English, whose settlements had not been affected by the hurricane to call the Indians of their preference to join their forces, they could set out on a campaign with more than 1500 men and insure the conquest of the Spanish territories. Thus he judged it of the utmost importance to stand his ground on his first resolution, and pledge the inhabitants, in the midst of the general desolation, to follow him in the campaign and aid in its operation. So he availed himself of an

expedient to which is due in a large measure the success of the undertaking.

At the time of the declaration of war, the news had come to D. Bernardo de Galvez that His Majesty had granted him the Governorship of that Province. He did not disclose this fact because he did not want to let it be known that he had received mail from Spain. So he called together the inhabitants and showed them the unfortunate situation of the Province, and told them the sad occasion that orders had arrived from Havana to the effect that they should put the Province under guard, as there were well founded suspicions that the English intended to attack it. Afterwards he showed them the Governor's dispatch itself telling them the possession would not be valid, unless an oath of defending the Province was first taken in the Cabildo.⁴ He pointed out that, although he was ready to shed all of his blood for it and for the King, he did not dare to take such an oath if all did not offer to aid him in defeating the ambitious plans of the English.

All unanimously promised to sacrifice their lives in the service of the King, and that they would do the same with their estates unless they lost them. On that very day the Governor had the satisfaction of being admitted among the applause and acclamations of the pueblo, which gave the most effective proofs of its affection and fidelity.

With these promises and the united forces of the inhabitants, preparations for making a campaign were hastened under the pretext that the troops were to be posted in the places where the English might direct their attacks. Orders were given that the pirogues which had been saved on the coast where the ravages of the hurricane were less, should be sent out (for the attack). They raised from the bottom of the river a schooner, and three gunboats. On these they shipped the ammunition and ten cannons, one 24 inch, five 18 inch, and four 4 inch. It was conducted through the river in the care of the Lieutenant of Artillery, D. Julian Alvarez, who gladly undertook this dangerous commission, although he was at the moment seriously ill.

On the 26th day of the same month of August, the Governor gave the command of the Plaza with the militia which was to garrison it, to the Captain, D. Pedro Piernas, brevet for Lieutenant Colonel. The affairs of the Real Hacienda he turned over

⁴ Chapter of a cathedral or a collegiate church. Meeting of a chapter; place where a meeting is held; corporation of a town.—J. N.

to the care of D. Martin Navarro, auditor of the army, and the direction of the troop which was to undertake this enterprise, to Colonel D. Manuel Gonzales, Lieutenant Colonel of the Regiment of Spain. He named as his second, the Sergeant Major of the Regiment of Louisiana, D. Estevan Miro, and for Major of the expedition, Captain D. Jacinto Panis, the major Adjutant of the Plaza.

On the morning of the 27th, the Governor pushed forward in order to gather up on the coasts of Alemanes, and Acadianos the people he could recruit. In the afternoon of the same day there set out on the march the small army composed of 170 veteran soldiers, 330 recruits, 20 carabineers, 60 militiamen, 80 negroes and free mulattoes, and Don Oliverio Pollock, representative from the American Congress with two officials and seven fellow countrymen, his (Pollock's) volunteers. All together there were 667 without a single engineer.⁵

The eagerness with which this troop marched through dense woods and impenetrable paths without campaign tents, baggage and other aids necessary on a long march, is inexplicable. With the army itself came 600 men of all classes and colors, and 160 Indian volunteers, all that the Governor could gather along the coasts of Alemanes, Acadianos, Opeluzas, Atakapas and Punta-Cortada.

All the united troops numbered some 1427 men. The march continued with vigor but in a very orderly manner. The veteran troop formed a column whose left flank was protected by the Mississippi and defended by the armed boats which carried the artillery; to the right lay a thick woods which, in order to prevent any surprise attack was reconnoitered by the colored and Indian troops who travelled a quarter of a league ahead. The militia and the men from Alemanes made up the rear-guard.

On the sixth day of September they descried at a distance the Fort of Manchak, situated on the river about thirty-five leagues from New Orleans; but illness and fatigue had diminished the force by more than a third. Half a league from the fort the Governor instructed his troops that war had been declared against the English, and that he had definite orders to attack them in their own settlements. This news caused a general rejoicing, and all of them in a determined manner manifested a

⁵ Among the veteran troops there were pickets from the Regiments of the Prince, Spain, and the permanent Regiment of Havana.

desire to distinguish themselves in the service of the King, and for attacking their enemies without hesitation.

At dawn on the 7th, the militia took the fort by surprise assault, while the veteran troop remained in formation in a place advantageous for opposing themselves to a skirmish with 400 Englishmen whom they had seen setting out two days before for Baton Rouge with artillery and supplies, and, according to the news, it was likely that they were posted in a nearby woods.

Don Gilberto Antonio de Manxent,^o Captain of Militia, was the first to enter Manchak by one of its abasures, and then the troop took possession of it without having suffered any misfortune on our side. Its garrison was composed of a Captain, a Lieutenant; one soldier was killed and the rest remained war prisoners.

On the 8th they took stock of the fort; the troop was given six days of rest, and on the 13th they undertook the march for Baton Rouge. Some five leagues distant from Manchak, en route they took five prisoners and they arrived in its vicinity with only 200 men of the Battalion of Louisiana; the other groups having been diminished in proportion.

At a distance of half a league from the fort the artillery was grounded, and in the same place camped the troop which had arrived with very little delay. Now there was posted between Baton Rouge and Natchez, Don Carlos de Grampré, Captain of the Battalion who had come up from Punta-Cortada with a detachment of some of the veteran troop and the militia of that coast in order to interrupt communication between the enemy. It accomplished this purpose and afterwards took the English posts Tonson and Amit with their respective garrisons.

Having approached Baton Rouge with some officers, the Governor reconnoitered the fort. He saw that it would be impossible to take it by assault because it was well fortified with a ditch eighteen feet wide and nine feet deep; walls high and sloping, encompassed by a parapet adorned with Chevaux-de-fise, crowned with 13 canons of a large caliber, and defended by more than 400 veteran and war-tried soldiers and 100 armed inhabitants.

At this time the Governor considered the fact that the greater part of his troops were composed of natives of the country, among whom were many fathers of families, and that a costly

^o Maxent.

victory would fill the whole Province with grief and mourning. Thus, in spite of the repeated instances when all the troops clamored for taking it by assault, he resolved to open a trench and establish batteries.

The place which at first sight seemed most appropriate for making attacks was the point of a wood near the fort. This he chose to deceive the enemy and to distract its attention from the place where work was really being carried on. There he assigned a detachment of militia—white, colored, and Indian, so that by night, sheltered by the trees they might make a disturbance and feign a false attack.

The enemy tired themselves out in vain firing toward that place with double shot and grape shot while, silently and without inconvenience he succeeded in placing the batteries within gunshot of the fort, behind the hedge of an orchard which hid them. The enemy discovered the strategy too late, since it was not until the last night when our side was already under cover from their fire.

At dawn on the following day, the 21st of September, firing was begun. It was directed by D. Julian Alvarez with such good effect that in spite of the celerity with which the enemy used its cannons, within three and a half hours their fort was so dismantled that they sounded a call, sending for two officers with proposals for capitulation. The Governor would not agree to listen to them unless the garrison remain prisoner, and unless they hand over their own, Fort Panmure of Natchez, which was composed of 80 grenadiers and their officers. They agreed to all, and at the end of twenty-four hours, the time given as a limit, during which it was observed that they buried many dead, the garrison came out with military honors to the distance of 500 feet, where 375 men of the veteran troop gave up their arms and handed over their banner, remaining prisoners of war.

At the same time a Captain was sent with 50 men to occupy Fort Panmure of Natchez, which is 70 leagues distant from there and comparatively superior. It would have been hard to take because of its situation on a height difficult to reach.

To more than 500 men composed of inhabitants and free negroes who were found with arms in their hands in the two Forts and other places, liberty was given in order to avoid the difficulties of guarding them.

While the main body of the expedition operated with such success, that which followed our arms in other parts of the same Province was no less. An American schooner armed in Louisiana by Mr. Pikle, boarded and captured in Lake Pontchartrain, an English cruising sloop of superior strength, called the West-Florida. Our boats took on passage for Galveston three schooners and a brigantine, which they returned to Pensacola; two sloops which were going from that port laden with provisions and another schooner which was found on the river with a like load.

Another English sloop was captured by a citizen of New Orleans in a manner that deserves mention. This man, named D. Vicente Rieux, had been given command of a schooner armed to cruise the lakes. He arrived at the river Manchak where the English passed in order to bring help from Pensacola to their settlements. Knowing that a well supplied English boat must pass by there, he grounded his swivel-guns, threw down two or three trees as intrenchment and remained in hiding, waiting for it. When it was within less than half a gun-shot, he suddenly fired upon it, making so much noise that the English, persuaded there were at least 500 men, all withdrew to the hold. Rieux took advantage of this moment, jumped on board with his men, and made them prisoners.

It is not easy to describe the surprise of the enemy, among whom there were a captain, a lieutenant, a sub-lieutenant, and 54 Grenadiers of the Regiment of Waldek, and ten or twelve sailors, when they saw themselves overcome by Rieux's crew, composed of only 14 Creoles.

In short, the captures made numbered eight, the forts taken three, and prisoners of the veteran troop 550, without counting the sailors, the civilians and the negroes. Among those in the troop there are 21 officers: Colonel Dickson, Commander-General of the settlements of the Mississippi, five captains, nine lieutenants, five sub-lieutenants, a quarter-master, a commissary of war, and another of the Indians with his interpreter, a purveyor, an arsenal guard, and three surgeons. On our side two were wounded and only one died.

The zeal, activity and constancy with which all the officers and troop comported themselves is very commendable. The veteran troop deserves credit for its strength and discipline in all of its actions, in spite of not having attacked the enemy as they

desired, since circumstances demanded that they keep in formation in order to oppose any surprise attacks or departures, and in order to be the first to mount the breach in Baton Rouge if the assault had been made.

The militia exercised themselves with indescribable zeal in all their work, and in the service of the artillery, giving constant proofs of a subordination without limit. Hence, they desisted many times from throwing themselves upon the enemy because of it. Especially deserving are the companies of Acadianos, in whom burned the memory of the cruelties of the English and the past war when they obliged them to abandon their homes.

Not less deserving of eulogy are the companies of negroes and free mulattoes who were continually occupied in the outposts, in false attacks, and discoveries, (scouting), and conducted themselves with as much valor and generosity as the whites.

Finally, the Indians gave for the first time a noble example of humanity in not having done the slightest injury to the fugitive and disarmed English inhabitants, even though they subdued them with arms and in spite of the general custom they have of treating their prisoners with the most horrible cruelty. They even went to the extreme of bringing in their arms with kindness, in order to present them to the Governor, those children who, through fear of their inhumanity had taken refuge with their mothers in the mountains. This particular behavior was due in a large part to the good manner in which two men directed and commanded them, D. Santiago Tarascon and the Lieutenant of the company of Opeluzas, D. Joseph Sorelle, both knowing their languages.

With the same troops that had conducted the expedition they garrisoned the conquered posts, so that there remained only 50 men in the Capitol to guard the prisoners and keep the large numbers of Indians who came to compliment the Spaniards on their victory. But, in spite of the fact that the first walked free through the streets and the second were of various nations, some of whom were very quarrelsome and little accommodating, there was not the slightest disorder for the space of more than twenty days when they were dependent to a certain extent on their good faith and word of honor.

In the middle of October, the English garrison from the Fort of Natchez arrived, and a reinforcement of troops entered New Orleans. These were sent by the Governor of Havana, who

had given the most effective forethought to its accoutrement and embarkation as soon as he knew of the break with England. Several irremediable accidents delayed its departure and navigation through the river from Baliza to New Orleans, was more laborious and protracted than desired, considering the urgency of the circumstances.

Scarcely had the expedition concluded when another event occurred that caused great joy in the Capitol because of the favorable results it might bring hereafter.

Since his arrival in Louisiana, the Governor had applied himself to gain the good will of the various Indian tribes that lived in proximity to that Province. Especially the Chactas, who dwelt near the English territories, and who were reputed to be the most numerous and warlike of all that inhabited the western part of Florida.

As soon as he (the Governor) had news of the war, he endeavored to discover the intentions of this tribe, and to see if the signs of friendship which they had given on several occasions, were sincere. To this end he sent as commissioner, D. Joseph Boidore, who proceeded with such prudence that in a little more than a month he returned to New Orleans bringing in his company, 17 Caciques and 480 warriors, who, in the name of all their compatriots, came to give the most sincere assurance of their loyalty and good will to the Spaniards.

When they arrived the Governor received them with all possible kindness, ostentation and pomp, and after the usual ceremonies each chief threw on the ground the grant, standard and other insignias that the English had given to them. He received with signs of submission and rejoicing several medals on which were engraved the bust of the King, *Nuestro Señor*,[†] and the exclusive grants.

Then the Governor gave them a considerable gift. He offered them the protection of His Majesty, and advised them, among other things, to avoid actions against human beings. He pointed out as sane policy that, although the Spaniards found themselves actually at war with the English he did not intend to avail himself of their aid except against the Indians who were their enemies. The Chactas promised their allegiance and obedience, in proof of which before a year had passed 40 of them would go to serve under the Spanish flag. The Indians returned to their territory

[†] Our master.

supremely satisfied with the good treatment, consideration and generosity they had received.

There are well founded hopes that the Talapuches, Uchises and several other Indian groups may do the same. Their friendship is extremely important under the present circumstances, for the security of the Spanish possessions on the Mississippi, as well as for the success of the enterprises that may be undertaken against the English settlements in Florida.

The governor of Louisiana had recommended to the charity of the King all the officers of the military corps and the employees of the Real Hacienda who took part in the expedition against the English forts and settlements along the Mississippi River. His Majesty has deigned to distribute among them the following favors:

To Colonel Manuel Gonzales, Lieutenant Colonel of the Regiment of Spain, the rank of brigadier and the governorship of the province of Cumaná.

To Lieutenant Colonel Estevan Miró, Sergeant Major of the fixed battalion of Louisiana, the Lieutenant Colonelship of the same corps; and the office of Sergeant Major to D. Pedro Piernas its captain, brevet to lieutenant colonel. To D. Jacinto Panis, first adjutant of La Plaza with the rank of captain, was given the office of Sergeant Major with the rank of Lieutenant Colonel.

To the following was given the rank of Lieutenant Colonel: D. Joachin Blancas, Captain of the Regiment of the Prince; D. Martin Mozun and D. Manuel de Navas of the Regiment of Spain; Don Hilario Estanós of the fixed regiment of Havana; D. Alexandro Couso, D. Francisco Cruzat, and D. Carlos Granpré, the first named of the grenadiers and the other two of the fusilliers of the fixed battalion of Louisiana; D. Antonio Manxent, D. Alexandro Declouet, D. Francisco Simars and D. Juan Brouner, all captains of the militia who had been graduated from the Army.

To D. Joseph de Valliere, officer formerly in the service of His Most Christian Majesty, to D. Joseph Dubreuil, Adjutant-Major, and to D. Manuel Perez, Lieutenant of the Grenadiers of the fixed battalion of Louisiana, the captain of the same corps. To Don Julian Alvarez, Lieutenant of the Royal Corps of the artillery, the rank and salary of captain; to D. Tomás de Acosta, Lieutenant of the battalion of Louisiana, the position of Adjutant-Major with the rank of captain; to D. Felipe Perez,

Lieutenant of the Regiment of the Prince, to D. Manuel Crespo, D. Joachin Alvarez and D. Estevan Trudeau of the Regiment of Spain, and to D. Tomás Tradeau, D. Raymundo Dubreuill and D. Joseph de la Pena of the Regiment of Louisiana, and to D. Francisco Colell a sub-lieutenant of the same corps—to all of these was given the rank of captain.

To D. Martin Palao, sub-lieutenant brevet to lieutenant, to D. Antonio Manxent, sub-lieutenant of the colors of the battalion of Louisiana, and to D. Matias Lopez, sub-lieutenant of the regiment of Spain, the rank of lieutenants of their respective corps. To Sr. Leblanc, formerly in the service of His Most Christian Majesty, the office of second adjutant of the same, with the ranks of lieutenants at their respective salaries. To D. Carlos Trudeau, sub-lieutenant of the artillery, mustered out from the services of His Most Christian Majesty, the rank of lieutenant and the office of land surveyor with the corresponding salary. To Sr. Marini, musketeer on half-pay from the same service, and to D. Vicente Rieux, the ranks of lieutenants with half-pay. To D. Joseph Magarola, sub-lieutenant of the regiment of the Prince, to D. Fernando Cespedes of the fixed regiment of Havana, and to D. Carlos Regio of the battalion of Louisiana, the same rank of lieutenants. To D. Miguel Cantrelle, Captain of Militia the rank and pay of a lieutenant of the army to D. Luis Dutisne, to Sr. Robin and to D. Luis de Judice, all captains of the militia, the rank of Lieutenants with half-pay; to Don Mauricio Oconor, second adjutant of the companies of Alemanes the rank of lieutenant with the salary of a lieutenant, to D. Enrique de Prez, D. Nicolle Verbois and D. Carlos Brezeau, all captains of the Militia, the rank of lieutenants of the army.

To D. Miguél Mozum, cadet of the regiment of Spain, to D. Pedro Estenós of the fixed regiment of Havana, to D. Carlos Villement, D. Guido Duforat, D. Feliz Trudeau, D. Marcos de Villiers, and D. Antonio de Valiere of the battalion of Louisiana, to Pedro Blanco and Francisco Rivas, first sergeants of the same, to Antonio Solér and Manuel Izquierdo, sergeants of the Royal Corps of Artillery, the rank of sub-lieutenants; to D. Julian Lessassier, D. Juan Bautista Flamand, D. Joseph Gorell, D. Francisco Soubadon, D. Francisco Lemelle, D. Santiago Masicot, D. Pedro Boissié, D. Donato Bello, D. Anselma Blanchard, D. Agustin Alain, lieutenants of militia, the rank of sub-lieutenants of the army.

To all of the officers of the militia who served in the expedition or remained to guard the Capitol and the posts, who did not have ranks in the army, grants were given by His Majesty signed by his hand in the same terms as are those of the officers of the provincial militia of Spain and America.

To Simon Calfat, Captain of the negroes and mulattoes, Bautista Ogon, Felipe Ruben, lieutenants, Francisco Drovill, Noel Carriere, Bacus Nicolas, and Luis la Nuit, sub-lieutenants, it suited His Majesty to give to each a medal as a reward for their performance in addition to a recompense.

THE EMPLOYEES OF REAL HACIENDA

His Majesty named as Intendant of the Province of Louisiana, D. Martin Navarro, auditor of the army of the same; and to fill the position of auditor which was left vacant, he named D. Bernardo Otero, who had been Treasurer of the same, and as Treasurer D. Joseph Toucher then Secretary of the Government. Likewise, he conceded to D. Juan Antonio Gayarré, commissioner of the expedition, the Royal Clerkship of one of the Cashier's offices of America, and to D. Basilio Ximenez, Treasurer of the expedition the auditorship of the Royal Hospital of Louisiana.

In a like manner His Majesty deigned to concede to D. Nicolás Favre Daunoy, Captain of the Royal Corps of Artillery of France that he should pass to his Royal service with the same rank and precedence that he holds in that of His Most Christian Majesty and that he be appointed to Louisiana in the position of "Captain Comandante" of the artillery of that province, where he had his family and property.

JAC NACHBIN,
Research Associate.

Northwestern University,
January, 1932.



A SAVAGE LAW OF THE FRENCH REGIME IN LOUISIANA

Judicial Condemnation of the Body of a Suicide in 1765

INTRODUCTION BY THE EDITOR OF THE QUARTERLY

THE archives of the French Superior Council of Louisiana have preserved for us the official record of the trial before that court of the body of a dead man, a suicide. It is a gruesome story of the enforcement of a savage law and the execution of the dreadful sentence.

It appears that in the month of November, 1765, an Indian slave belonging to Sieur Robin de Logny committed suicide by hanging himself with a rope from the limb of a peach tree in the court yard of the "Criminal Chamber of Justice" in New Orleans. This high sounding title meant the building where the Superior Council of Louisiana held its sessions.

We do not know whether the Council held civil and criminal trials in the same building. We do know that the usual meeting place of that body was in the Government House on Toulouse and the Levee in the square bounded by Chartres. It is possible the criminals were disposed of at the jail which was in proximity to the spot later used by the Spanish government for its calaboose still standing behind the Cabildo.

It was the law of that day that self destruction was a crime punished by infamy and the denial of Christian burial. When the peach tree in the yard of the Court House bore this strange fruit on that November day in 1765, the august Superior Council convened to render the justice to the decedent that was prescribed by the Statute. In short, a prosecution was begun by the substitute of the King's Procureur General against the corpse of the Indian and the procedure was put into operation with all its forms and solemnities.

A Curator (defender) was appointed to the dead Indian, the owner of this slave was interrogated, the body was viewed by one of the Council appointed Commissioner to try the case, the King's surgeon made a report, witnesses were examined, the Curator "bareheaded and standing" was interrogated on the life and morals of the suicide and finally, the Procureur

General of the King pronounced his opinion, the Commissioner Judge made his report, and the whole council solemnly adjudged the decedent guilty of the infamous crime of suicide

in reparation whereof they condemned his memory in perpetuity and ordered the public executioner to tie the corpse on a hurdle to the back of a cart head downward and face to the ground and to be thus dragged through the streets of this city to the place where he will be hung by the feet to a scaffold for that purpose erected at said place and after having remained there twenty-four hours to be thrown into the public sewer.

The Clerk of the Council certifies that the corpse was delivered into the hands of the executioner of High Justice who executed the sentence in all its particulars.

—H. P. D.

TRANSLATION BY HELOISE H. CRUZAT

CRIMINAL AUDIENCE

No. 1901

Of November 23, 1765

November 23, 1765.
Condemnation of
Corpse of one
Baptiste, Indian.
2½ pp.

Were present: Mssrs. Aubry, Knight of the Royal Order of St. Louis, Commandant of the Province; Foucault, acting as Intendant and First Judge in the Superior Council; Charles de Lalande d'Appremont;

Jean Francois Huchet de Kernion; Louis Piot de Launay, Councillor; Jacques de la Chaise, Councillor assessor; the Substitute of the Procureur General of the King.

Between the said Substitute of the Procureur General, plaintiff and accuser, against the Corpse of one Baptiste, Indian belonging to Sieur Robin de Logny.

Being before the Superior Council the petition of the said Substitute of the Procureur General of the King, the order below rendered by Mr. Foucault, First Judge, decreeing that the corpse be examined by Mr. de Launay, Councillor Commissioner, and by the Surgeon, that inquiry be made of life and morals and cause of death, to which is officially committed

one Jourdain, curator of the said corpse proces verbal of which made by Mr. Me de Launay, Councillor; the report of Doctor and Surgeon of the King; the inquiry containing three depositions of three witnesses, the declaration of Sr. Robin made, the acceptance by said Nicolas Jourdain of the charge of curator of said corpse, the interrogation of said curator in his said capacity; another interrogation of said curator bare-headed and standing; the various customary testimonies communicated to the said Commissioner; the final conclusions of the Procureur General of the King; heard the report of Mr. Delaunay, Councillor Commissioner in this case; the Council has declared and does declare the said Jean Baptiste, Indian, duly arraigned and convicted of having destroyed and killed himself, having hung himself with a rope to a peach tree in the court yard of the Criminal Chamber of justice, of which he died, in reparation whereof we condemn his memory in perpetuity, and the said corpse of the said deceased to be tied on a hurdle to the back of a cart, by the public executioner, head downwards and face to the ground, and to be thus dragged through the streets of this City to the place where he will be hung by the feet to a scaffold for that purpose erected at said place, and after having remained there twenty-four hours to be thrown into the public sewer.

Has ordered and does order that the present decree be read, published and posted in the customary places of this City and sent to the posts of this Colony, and the Substitute of the Procureur General of the King enjoined to see that execution be made.

Given in the Council Chamber, November twenty-third, one thousand seven hundred and sixty-five.

(Signed): De Lalande. Aubry. Foucault. Huchet de Kernion. De Launay. Delachaise.

And the said day at four o'clock in the evening after having reread the above decree to the curator of the corpse in its presence it was placed in the hands of the executioner of High Justice, who executed the decree in all its parts.

Certified by me, "Greffier en Chef", undersigned.

(Signed): Garlic, G.fier.

TRANSCRIPTION OF THE SECOND PART OF THE DOCUMENT
BY G. LUGANO

*The Text of the Sentence rendered
by the Superior Council*

November 23, 1765.
Condemnation of
Corps of one
Jean Baptiste,
Indian.
2½ pp.

Le Conseil a déclaré et declare le dit
Jean Baptiste sauvage duement retring et
Convaincu de sestre defait et homicide soy
meme setant pendu avec une Corde attachée
a un peché dans la Cour de La Chambre
Criminelle de Justice dont il est mort, pour Reparation de quoy
Condamnons sa Memoire a perpetuité et sera le dit Cadavre
du dit deffunt attaché par Lexecuteur de la Haute Justice au
derriere d'une Charette et trainé sur une Claye la tête en bas
et la face contre terre par Les Rues de Cette Ville jusques
a La Place, ou il sera pendu par Les pieds a une potance qui
pour cet effet sera plantée au dit lieu, et après quil y aura
demecré vingt et quatre heures jetté a la Voirie.

A ordonné et ordonne que le present arret sera Lu publié
et affiché dans les androits accountumés de Cette Ville et
envoyé dans les postes de Cette Colonie, Enjoint au Substitut
du Procureur General du Roy de tenir la main a L'exécution.

Donné en La Chambre de Conseil le vingt trois novembre
mil sept cent soixante et cinq.

(Signed): De Lalande. Aubry. Foucault. Huchet de
Kernion. De Launay. Delachaise.

Et le dit jour quatre heures du soir après avoir Lu L'arrest
cy dessus au Curateur du dit Cadavre en presence diceluy, a
été mis entre les mains de Lexecuteur de la Haute Justice qui
a executé Larrest en toute sa teneur.

Certifié par moy Greffier en Chef sousigné.

(Signed): Garic, G.fier.



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**OFFICIAL EXPRESSION OF MANIFEST DESTINY
SENTIMENT CONCERNING HISPANIC
AMERICA, 1848-1871**

By A. CURTIS WILGUS, George Washington University

I.

THE Manifest Destiny sentiment,¹ or spirit, was and still is best expressed as a frame of mind, an attitude, a conception of an existing condition; or a goal to be reached. It has existed among certain laymen and statesmen, tho not always expressed in the same terms, thruout the whole history of the United States, and has had its roots in a national or sectional superiority complex. However, its history may be quite accurately localized, with all of the characteristic symptoms in the period from 1848 to 1871.

Before 1848 the American people believed that they had a manifest right to a part of the earth's surface—the right to life, liberty, and the pursuit of happiness over an extensive area in North America which would be large enough to suit their growing needs.² After 1848 the American people increasingly believed that American institutions were peculiarly blessed by divinity for the purpose of extending them over the unenlightened parts and peoples of the world, and particularly of the western hemisphere and its adjacent islands.

Until 1860 the slavery South desired more territory for economic and political reasons,³ while the free North sought expansion for the sake of bestowing a Protestant Christian civilization upon the backward Catholic states of America, and of spreading American political institutions. At no time before or after

¹ The origin of the expression is uncertain though it appears to have been first used in 1845. (See J. W. Pratt, "The origin of 'Manifest Destiny'" in the *Amer. Hist. Rev.*, July, 1927, 797-800). One expression suggested as a substitute was "overruling necessity." Speech of Senator Mallory of Florida, *Cong. Globe*. 32 cong. 2 sess. (1853), 158.

² See John Adams, *Defense of the American Constitution*, (London, 1787); Act of Congress of Jan. 15, 1811 in *Statutes at Large*, III, 471; Manuel Ugarte, *The Destiny of a Continent* (1925), p. xi, note 10; J. F. Rippey, *The United States and Mexico*, (1926), 29-31; and his *Latin America in World Politics* (1928), 13-14; *Cong. Globe*. 30 cong., 1 sess. 220, 283. For further aspects of the question, see *Ibid.*, 27, 55, 492; Webster, *Speeches* . . . (McIntyre edition), IX, 255-8; Niles *Weekly Register*, LXXIII, 113, 335; Claiborne, *Quitman*, II, 79; E. G. Bourne, "The United States and Mexico in 1848" in *Amer. Hist. Rev.*, April, 1900, 491-502.

³ For example see E. A. Pollard's view in *Charleston Mercury*, Feb. 17, 1857.

1860 was the Manifest Destiny sentiment a sectional or frontier spirit exclusively. Some few in all parts of the United States always defended expansionist views and many of the most prominent men in Congress believed in and favored Manifest Destiny. Between 1848 and 1860 every argument which was to be made later in favor of, or in opposition to, the sentiment was expressed. All points were raised over and over again and as often answered as raised. It was a notable example of an old problem remaining ever new.

Many national issues between 1848 and 1860 raised these arguments pro and con. After the close of the Mexican war came in rapid succession the question of the annexation of Yucatan, the proposed building of the Panama railroad, the Presidential desire for Cuba, the Clayton-Bulwer treaty of 1850, the López expedition to Cuba (1851), the proposed tripartite agreement with England and France concerning Cuba (1852), the threat of the British in Central America, the discussion of the route across Tehuantepec, the Gadsden purchase (1853), the Ostend Manifesto and the proposal to annex Hawaii (1854), the Walker episode in Central America (1856), and the move to purchase Cuba from 1858-1860. On the other hand there was much during the period to detract attention from Manifest Destiny views. Such, for example, were the questions of slavery in the territories, the admission of California, the Compromise of 1850, the Kansas-Nebraska act, and other phases of the slavery controversy. Yet expansion sentiment persisted in spite of the many inviting side issues which presented themselves.

The Civil War brought to a sudden stop all thought of expansion and the bestowal of civilized blessings by the United States upon inferior states. With the war over, reconstruction problems and presidential-congressional friction attracted much attention, and consumed the national energy. But the United States after its purging burned with self-righteousness and believed that its new mission was to spread freedom abroad in the western hemisphere. Its confidence in its own institutions became almost boundless. The old desires and views consequently reappeared, at first mildly in 1861 with the foreign occupation of Mexico, and later in 1865-6, with vigor, when it was seen that the Mexican problem was not easily solved, and when Seward made a move to purchase the Danish Islands⁴ and did purchase Alaska.

⁴ F. W. Seward, *Seward*, III, 369.

From 1869 to 1871 there followed the move for Haiti and Santo Domingo protectorates, the desire for Samana Bay, and the expressed sympathy for the revolutionists in the Cuban civil war. The climax was reached in January, 1871, in the discussion of the Babcock treaty.⁵ It was at this point that Carl Schurz gave the *Coup de Main* to the issue by restating all of the possible arguments against American expansion.⁶

After this date the Manifest Destiny sentiment underwent a partial eclipse, particularly as concerned Hispanic America. In its place appeared for a short time the Curtis-Blaine Pan American friendship movement. Eventually imperialism modified and extended the Manifest Destiny feeling.⁷ But with the period after 1871 we are not here concerned. In the following pages it is proposed to give a brief summary of the general views concerning United States expansion in the western hemisphere, and particularly views held by statesmen with regard to the acquisition of territory in Mexico, Central America, and the West Indies. No attempt is made to show the anti-imperialistic side. That is a study in itself.

II.

There is a great similarity in the views expressed concerning the destiny of the United States. For the most part they are roseately optimistic. Some believed that the whole continent would belong to the United States in the near future. Vice President Dallas saw our future "guardianship of a crowded and confederated continent."⁸ Senator Foote of Massachusetts favored acquiring the whole continent "piece by piece."⁹ Representative Cox of Ohio believed that the weak American nations would in-

⁵ T. C. Smith, "Expansion After the War, 1865-1871," in *Pol. Sc. Quart.*, Sept. 1901, 412-36.

⁶ *The Speeches, Correspondence and Political Papers of Carl Schurz*, (edited by F. Bancroft, 1913), II, 75-118. The same is also found in *Cong. Globe*, 41 cong. 3 sess., Appendix, Jan. 11, 1871, 25-34. For further anti-expansion material see: "Correspondence of John C. Calhoun" in *Ann. Rept. of Amer. Hist. Assoc.*, 1899, 741-55 *passim*; J. C. Calhoun, *Works* (edited by Crallé), IV, 396-479 *passim*; *The Writings and Speeches of Daniel Webster* (McIntyre, editor), IV, 138, 252, IX, 257, 259, X, 12; *Diary of Gideon Wells*, (Morse, editor), II, 631-2, 642-3, III, 40, 95, 124-5, 480; *DeBow's Review*, Feb. 1853, 93, Sept. 1858, 335-43; *New York Tribune*, June 15, 1870; *New York Nation* Dec. 29, 1870. The files of the *Cong. Globe* from 1848-1871 contain as much anti-expansion material as expansion material.

⁷ See C. F. Adams, *Imperialism* (1898); Carl Schurz, *American Imperialism* (1899); John Fliske, *American Political Ideals* (1911) ch. III; F. H. Giddings, *Democracy and Empire* (1900).

⁸ *Cong. Globe*. (1848), 30 cong. 1 sess., 274.

⁹ *Ibid.* 214.

evitably gravitate toward the strong one, the United States,¹⁰ and Representative Spalding from the same state believed that the United States was destined to "spread itself over the whole continent of America" and "over all the islands adjacent thereto" as surely as anything is "decreed in the councils of Infinite Wisdom."¹¹ Thomas Swann of Maryland said he believed that "sooner or later" the "whole continent" would belong to the United States,¹² and Benjamin F. Butler of Massachusetts was carried

" . . . I believe that within my day I shall see the stars and stripes floating as evidence of our control and beneficent power at the Isthmus of Darien, while the traveler at the north pole shall mistake the radiance of its red and white for the glow of the Aurora".¹³

Those who did not desire the whole continent wanted at least North America on the principle as stated by Senator Collamar of Vermont that "the great nations must increase in their territorial extent". The United States must increase, and "by force" if necessary.

"When we cease to increase in territory we shall commence our decadence; that . . . is the law of national existence".¹⁴

"Young America," a group of expansionists, wanted "Cuba and all the islands of the main gulf; . . . Canada and all north at the proper time" together with the isthmian routes.¹⁵ Congressman Garret of New York would annex all of the North American peoples for the purpose of enlightening them.¹⁶ In 1858 Representative Lewis D. Campbell introduced a resolution to negotiate

¹⁰ *Ibid.* 35 cong. 2 sess. (1859), 430. Rep. Coburn of Indiana expressed a similar view in 1870. (*Ibid.* 41 cong. 2 sess. Appendix, 495).

¹¹ *Ibid.* 40 cong. 3 sess. (1869), 334.

¹² *Ibid.* 41 cong. 1 sess. (1869), Appendix 29. See also Kohl, *Claims as a Cause of the Mexican War*, (1914), 75. This is quoted by Rippey, *The United States and Mexico*, 16-17. For a view by Senator Johnson of Georgia see *Cong. Globe*. 30 cong. 1 sess. (1848), 480.

away by his enthusiasm:

¹³ *Ibid.* 41 cong. 2 sess. (1871), 4483.

¹⁴ *Ibid.* 35 cong. 2 sess. (1859) 1180. Senator Fessenden of Maine held a similar view. (*Ibid.* 34 cong. 1 sess., 1856, 306).

¹⁵ *Democratic Review*, June 1852, 492. (Quoted in Rippey, *United States and Mexico*, 26).

¹⁶ *Cong. Globe*. 33 cong. 1 sess. (1854), Appendix, 1017. Senator Dickinson of the same state on Jan. 8, 1848, at the Jackson dinner offered the following toast: "A more perfect union embracing the entire North American continent." (*Cong. Globe*. 30 cong. 1 sess. 227, and Niles LXXIII, 336). For his further views see *Cong. Globe*. 30 cong. 1 sess. 87.

with the mother governments concerned for the possession of "the Canadas, Nova Scotia, and other portions of North America, and Cuba and other islands adjacent thereto."¹⁷ Representative Winslow of North Carolina was positive that the northern part of the continent was "destined sooner or later, to come under our jurisdiction."¹⁸ Representative Orth of Indiana went slightly further and would extend United States territory "from the north pole to the equator".¹⁹

Most persons seemed to believe that United States expansion should be southward if at all. Representative Evans of Texas affirmed that all nations and peoples had been attracted toward warmer climates. Therefore, the United States should turn from the "barren forests of Canada" and the "black fogs of Newfoundland" to the "orange gardens of Cuba and the palmy fields of Mexico."²⁰ The representative from Florida, Mr. Hawkins, concurred in this belief.²¹

Some individuals favored much slower expansion than did others. Representative Hilliard of Alabama believed that our system might extend over the continent,

"but let this growth of our institutions be spontaneous and gradual, and let neighboring provinces seek to come within the sheltering sancity of our government."²²

A representative from Ohio, Mr. Bell, would not hasten annexation until the time came for it,²³ and Senator Pugh of the same state would take such territory only when needed.²⁴ In most instances congressmen would agree with Senator Hale of New Hampshire in desiring "honorable" expansion on just, honest, and patriotic principles without "deception" or "humbug."²⁵

Some felt that the extension of the influence of the Anglo-Saxon race would be a blessing to the people of the western hemisphere.²⁶ Senator Miller affirmed that Manifest Destiny

¹⁷ *Ibid.* 35 cong. 1 sess. (1858), 711.

¹⁸ *Ibid.* Appendix, 405. Representative Donnelly of Minn. held a similar view. (*Ibid.* 40 cong. 2 sess. 3660), as did S. M. Cullom, Representative of Illinois, (*Ibid.* Appendix, 474).

¹⁹ *Ibid.* 41 cong. 2 sess. (1870), Appendix 507.

²⁰ *Ibid.* 34 cong. 1 sess. (1856), 1298.

²¹ *Ibid.* 35 cong. 1 sess. (1848), Appendix, 463.

²² *Ibid.* 30 cong. 1 sess. (1848), 566-7.

²³ *Ibid.* 32 cong. 2 sess. (1853), 6.

²⁴ *Ibid.*, 35 cong. 2 sess. (1859), 935-6. This in general was the view of Steven A. Douglas. See *Ibid.* 32 cong. 3 sess. 262, 274, and Nicolay and Hay, *Lincoln*, III, 302-3.

²⁵ *Cong. Globe*. 35 cong. 2 sess. (1859), Appendix, 164.

²⁶ See Seward's view in his *Works*, XI, 220-1, on this point.

meant "the spread of the Anglo-Saxon race—the glory of extending our territory from sea to sea." He considered it probable that the race would "eventually people all the continent".²⁷ Senator Dix of New York would populate the whole continent with whites, thus bettering science, arts and morals.²⁸ If necessary the Anglo-Saxon branch of the white race in the United States should people the continent at the expense of England.²⁹

But the strongest reason in the minds of many men was the belief that the United States was chosen of God to spread the light of civilization. This notion appeared very frequently and from widely scattered sources. Senator H. V. Johnson of Georgia asserted:

"I believe it to be the manifest design of Providence, either that the whole of North America should be embraced within our republic or that thru the influence of our institutions, it is to become the theatre of the highest civilization and freedom".³⁰

Representative Quitman of Mississippi affirmed that the United States is

"destined by Providence, as we fondly hope, to promote the civilization, the moral and physical improvement, the devotion and happiness of man on earth."

All obstacles should be swept from our path in this "glorious mission."³¹ Representative James Mullins of Tennessee believed that if "there is a destiny of God in the future of this government . . . then . . . we shall inhabit this land and all adjacent to it." And with a vivid imagination he concluded: Five hundred years have given the Saxon people dominion over a portion of this continent; "5,000 more will give them the whole

²⁷ *Cong. Globe*. 30 cong. 1 sess. (1848), 321.

²⁸ *Ibid.* 866.

²⁹ *Ibid.* 34 cong. 3 sess. (1856), Appendix, 79. English views of United States expansion were often quoted. Senator Cass reported the English view in this way: "We thank God, says the public opinion of England, that we are not like other nations, and least of all like that grasping mobocracy of the western hemisphere which is seizing and annexing the territory of its neighbors." (*Cong. Globe*. 30 cong. 1 sess. 1848, 494). For further British opinion see *Ibid.* 32 cong. 2 sess. (1852), 141. Some would answer these criticisms by asserting that certain of the Hispanic American peoples were seeking our protection. (See *Ibid.* 30 cong. 1 sess. 1848, 415).

³⁰ *Ibid.* 30 cong. 1 sess. (1848), 379.

³¹ *Ibid.* 34 cong. 1 sess. (1856), 668. Rep. Turner of Illinois, "believed there was a higher power propelling us onward. This had been manifest since the days the Pilgrims landed on Plymouth Rock." Anglo-Saxon explanation would be "a blessing to the human family." *Ibid.* 30 cong. 1 sess. (1848), 589.

world."³² Senator Stewart of Nevada³³ and Representative Latham of California both concurred in the opinion that it is decreed by destiny that the United States must expand and increase. Remarkd the latter:

"Destiny is nothing but the final result of all the tendencies of our moral and physical system; it is the effect of the laws of nature, whose operations, whenever they are most beneficent, are silent and secret, not boisterous and noisy, by fits and starts . . . It is our mission to instill new life into the feeble and misgoverned people grown on the debris of Spanish power in America, and of the colonies still subjected to the withering influence of her rule, but we must not expect to fulfill it in our age, or in a century. We must not be tempted to absorb faster than we can assimilate . . ."³⁴

III.

The commencement of the Mexican war turned the attention of the whole nation for the first time seriously toward the question and problems of expansion. But it was not until 1847-8 that Manifest Destiny sentiment became national. "The whole west seemed committed to a policy of complete dismemberment of Mexico."³⁵ The New York Hunker Democrats favored annexation of Mexico,³⁶ and most Democratic papers in the United States favored it.³⁷ There were rumors current that a party in Mexico was growing in favor of annexation to the United States,³⁸ and that even England felt that the United States should assume a "tutelage of Mexico."³⁹

Many members of Congress believed that the whole of Mexico should be claimed and held—(as expressed in the resolution of

³² *Ibid.* 40 cong. 3 sess. (1869), 335.

³³ *Ibid.* 41 cong. 3 sess. (1871), 427.

³⁴ *Ibid.* 33 cong. 1 sess. (1854), Appendix, 952-3. For further general views on expansion see: Rippey, *United States and Mexico*, 26, giving opinions of several United States newspapers; speech of Rep. Marshall of California in *Cong. Globe*, 32 cong. 2 sess. (1853), 72; Sen. Wilson of Mass. in *Ibid.* 34 cong. 1 sess. (1856), 57; J. B. Clay of Ky. in *Ibid.* 35 cong. 1 sess. (1858), 277; Rep. Maynard of Tenn. in *Ibid.* 40 cong. 2 sess. (1868), Appendix, 403; Rep. Judd of Ill. in *Ibid.* 40 cong. 3 sess. (1869), 335; Rep. Stevenson and Rep. Brigham of Ohio, in *Ibid.* 41 cong. 3 sess. (1871), 409, 413-14.

³⁵ Dodd, "The West and the War With Mexico" in *Ill. St. Hist. Soc. Transactions* (1912), 18.

³⁶ Niles, LXXIII, 391. See also Bourne, *op. cit.* 497.

³⁷ Niles, LXXIII, 334, 354; *Cong. Globe*, 30 cong. 1 sess. (1848), 227. This is a speech by Barrow of Tenn.

³⁸ Bourne, 498.

³⁹ G. T. Curtis, *Buchanan*, I, 576. (Quoted in Bourne, 498).

Senator Hennegan of Indiana)—“as a territorial appendage.”⁴⁰ Representative Stanton of Tennessee would go a step further and *absorb* the “whole of Mexico.”⁴¹ Toasts to this effect were offered.⁴² Commodore Stockton believed it the duty of the United States to conquer all of Mexico.⁴³ A. D. Sims of South Carolina wanted “absolute conquest of the entire country” if that would insure peace.⁴⁴

Some would take only a part of the conquered state. Representative Hampton of Pennsylvania introduced a resolution on January 3, 1848, to the end that the territory and states of Mexico occupied by United States troops be admitted into the American Union upon application of their inhabitants.⁴⁵ If some Mexican territory were forced upon the United States we should derive “all the good we can” from it, declared Senator Foote of Massachusetts⁴⁶ and Representative Henley of Indiana.⁴⁷ Sam Houston of Texas opposed giving up any territory conquered from Mexico.⁴⁸ Representative Turner of Illinois would take a portion of Mexican territory in lieu of a money indemnity.⁴⁹ In any case some territory should be taken believed Senator Bagley of Virginia.⁵⁰

Whether Mexican territory were held temporarily as Senator Dix would have it,⁵¹ or whether it were held permanently, Mexico would be greatly benefited. Certainly the northern part of the country would be bettered because it had been so poorly governed from the distant Mexico City, thought Senator Rusk of Texas.⁵² To attach Mexico to the United States would result in “happiness and prosperity” for the Mexican people, said Senator Thomas of Tennessee.⁵³ The “free and glorious civilization of our people” would be shared with the Mexicans asserted Representative McLane of Maryland. And he concluded:

⁴⁰ *Cong. Globe*. 30 cong. 1 sess. (1848), 136. Rep. Wiley of Maine believed that the voters of the United States would rather have Mexican territory in 1848 than any other indemnity. (*Ibid.* 552).

⁴¹ *Ibid.* 135. Jefferson Davis of Miss. wanted all of Mexico. (*Ibid.* 321).

⁴² *Ibid.* 362.

⁴³ *Ibid.* 362.

⁴⁴ *Ibid.* 328.

⁴⁵ *Ibid.*, 95.

⁴⁶ *Ibid.* 362.

⁴⁷ *Ibid.* 251.

⁴⁸ *Ibid.* 410.

⁴⁹ *Ibid.* 589.

⁵⁰ *Ibid.* 618.

⁵¹ *Ibid.* 250.

⁵² *Ibid.* 362.

⁵³ *Ibid.* 209.

"The liberated millions of Mexicans would bless the sword of the conqueror and spurn the rude despotism of the privileged classes, who now sport with and oppress them."⁵⁴

Moreover, humanity in general would be benefited said Senator Breese of Illinois.⁵⁵ The ultimate result as conceived by Senator Foote of Massachusetts would be the "Americanization" of Mexico.⁵⁶

But despite such outpouring of feeling, Mexico as a whole escaped from the apparent manifest destiny hovering over her when the treaty of Gaudelupe Hidalgo was signed ending the war.⁵⁷ While the treaty was being considered there arose the question of United States protection for Yucatan. Some persons who opposed taking Mexican territory proper as a result of the war, favored the occupation of the Mexican peninsula.⁵⁸ To prevent Yucatan from falling into foreign hands, temporary or permanent control by the United States was advocated for the region.⁵⁹ The Gulf of Mexico, Yucatan, and Cuba were the "lock and key" and the United States should hold all.⁶⁰ Such arguments were frequently used later.

For some years following the conclusion of the Mexican war border friction with Mexico existed, frequently in the form of reciprocal raids across the border. Such American filibusters were the "advance guard of Manifest Destiny."⁶¹ In the midst of this unrest came the Gadsden purchase of 1853 with its attendant discussion of Mexican absorption. Gadsden himself believed that "the whole valley of the Rio Grande" must be under the same government, and that either Texas "must come back into the Mexican government" or the states to the south and west in Mexico would "by successive revolutions or purchase" come into the Union. "These are solemn truths, which no one can be blind to."⁶²

In the following years to 1860, secret and open diplomatic negotiations were carried on with Mexico for the purpose of

⁵⁴ *Ibid.* 201-2.

⁵⁵ *Ibid.* 349-50.

⁵⁶ *Ibid.* 220.

⁵⁷ See Bourne, *Op. Cit.*, 502.

⁵⁸ *Cong. Globe*. 30 cong. 1 sess. (1848), 712.

⁵⁹ For Senate debates see *Ibid.* 590-643, 738-778, *passim*.

⁶⁰ *Ibid.* 590 ff. This was essentially the view held by Davis of Miss. (*Ibid.* 599).

⁶¹ See Rippey, *United States and Mexico*, chs. V, IX, *passim*.

⁶² Quoted in *Ibid.* 136.

obtaining more of her territory.⁶³ Public opinion, however, was not stirred as violently as in 1848, though in some sections of the country predictions and threats were made manifestly aimed at Mexico. In 1856, Mr. Yoakum of Texas concluded an article on the "Republic of Mexico and the United States" with the words:

"Remember what I tell you. It is now the middle of the 19th century; you have been struggling for three centuries, and have done nothing yet; *you must make progress or you will be absorbed by a more energetic race.*"⁶⁴

John Forsyth, United States minister to Mexico, saw no hope for that country except in an alliance with the United States, and the infusion of Americans into the Mexican army.⁶⁵

Border friction⁶⁶ could always be relied upon to bring up congressional talk of absorption. Representative Anderson of Missouri thought that "sufficient Mexican territory" should be taken along the border of the United States to "indemnify us for injuries unredressed and demands unsatisfied" and to prevent "lawless Mexicans and wandering tribes of thieving savages" from raiding into the United States.⁶⁷

The Civil War temporarily put a stop to the discussion of all absorption of territory.⁶⁸ But with the coming of peace came a few fitful expansion expressions. November 25, 1867, Representative Miller of Pennsylvania introduced a joint resolution concerning the annexation of the Mexican republic to the United States, but this was killed in the committee of Foreign Affairs.⁶⁹ Senator Nye of Nevada felt that the United States still needed and should have some Mexican territory "in order to complete the symmetry" of the republic. The United States should

"raise the standard of their (the Mexican people's) intelligence and increase their love and respect for republican institutions. The duty of the United States at present is

⁶³ J. M. Callahan, "The Mexican policy of the Southern leaders under Buchanan," in *Amer. Hist. Assoc. Ann. Rept.*, (1910), 131-151, *passim*.

⁶⁴ *De Bow's Review*, Oct. 1856, 361. See somewhat similar article by George Fitzhugh in *Ibid.* Dec. 1858, 613-26.

⁶⁵ Callahan, *Op. Cit.* 137. For the failure in the Senate of the "McLane-Juárez" treaty see H. L. Wilson, "President Buchanan's proposed intervention in Mexico," in *Amer. Hist. Rev.*, V, 687-701.

⁶⁶ See Rippey, *United States and Mexico*, chs. XII, XVI, *passim*.

⁶⁷ *Cong. Globe*. 35 cong. 2 sess. (1859), 297. For debate in the Senate on Sam Houston's proposed protectorate of Mexico see *Ibid.* 35 cong. 1 sess. (1858), 736-95, 1679-82, 1891-92, 2529, 2630.

⁶⁸ For Confederate designs upon Mexico see Rippey, *United States and Mexico*, ch. XIII.

⁶⁹ *Cong. Globe*. 40 cong. 1 sess. (1867), 784.

that of a great teacher; indeed I may say that the United States at the present day is a great missionary . . . I would conquer her with our benign principles. I should scatter our population among them, and make every one of them a missionary. I would have them speak encouraging words of promise for the future of that country".⁷⁰

A minute examination of the *Congressional Globe* for 1848-9 does not disclose much Manifest Destiny discussion in connection with the subject of building and operating the Pan American railroad.⁷¹ Not until 1855, when Walker's activities began in Central America, was this country even mildly aroused concerning the region. "Walker in on a mission of civilization" wrote Mr. Yoakum of Texas.⁷² And Mr. Hofer of Virginia wrote:

"It is immaterial whether Walker succeeds in Nicaragua to establish himself or whether he succumbs to the powers that are brought to bear against him. Nature will have its way and Walker . . . is but the precursor of a mightier power, an evolutionary instrument in the hands of an unchangeable fate . . . We believe, and believe firmly, in the destiny of our country as made manifest by the spirit of American propagandism and the genius of the American people . . ."⁷³

But Central America should be "Americanized" and the most practical way to accomplish such results was to send American citizens there to enter the military service, wrote Mr. Pollard of New York.⁷⁴ Representative Thayer of Massachusetts would reach the same end by settling American citizens among the Central American peoples.⁷⁵ Representative Anderson of Missouri summed up one view as follows:

" . . . Let no technical impediment be thrown in the way of our Americanizing Central America. Humanity, Philanthropy, and Christianity demand that it should be at no distant day. Such is our Manifest Destiny, and why should we be afraid to proclaim it to the world? Wave upon wave of immigration will roll in upon that country,

⁷⁰ *Ibid.* 603.

⁷¹ For presidential discussion of railroad and canal routes in Central America see Richardson, *Messages and Papers of the Presidents*, (1913 ed.) as follows: Pres. Taylor, IV, 2553, 2571, 2580; Fillmore, IV, 2617, 2642, 2656-7, 2693, 2702, 2724; Pierce, IV, 2754, 2766, 2814, 2861, 2894, 2901; Buchanan, IV, 3046, 3100, 3116; Lincoln, V, 3444; Johnson, V, 3663, 3900; Grant, VI, 3987, 4011, 4068, 4072.

⁷² *De Bow's Review*, Oct. 1856, 360.

⁷³ *Ibid.* Aug. 1856, 125-31.

⁷⁴ *Ibid.* Dec. 1859, 708.

⁷⁵ *Cong. Globe*. 35 cong. 1 sess. (1858), 228.

until, ere long, its internal wars, ignorance, superstition and anarchy, will be supplemented by peace, knowledge, Christianity and our own Heaven born institutions".⁷⁶

When such a day arrives Central America will surely belong to the United States for "a controlling influence over Central America in particular is due to us from commercial necessity as from a political necessity".⁷⁷ And Representative Clingman of North Carolina added that the United States control of a great supply of tropical products would prove "highly advantageous to all civilized nations."⁷⁸

V.

Since the beginning of the national period the West Indies have always attracted the attention of American statesmen. Generally speaking, before the Civil War, the South favored acquisition of West Indian territory for the extension of slavery. When the leaders in the north before the war argued for possession of this region they usually appealed to the factor of military defense, stating that several of the islands guarded the mouth of the Mississippi and the Gulf, and were, therefore, essential to the national well being.⁷⁹ Moreover, possession of these islands benefited and protected our growing trade in the Gulf and Caribbean. After the Civil War both sides favored acquisition of West Indian territory for the latter reasons, and most advocates seemed to think that that region was manifestly destined to come under the control of the United States. Representative Keitt of South Carolina made articulate one opinion by saying: "To achieve our destiny, the waters of the Gulf must be *Mare Nostrum*,"⁸⁰ and Senator Mallory of Alabama likened the Gulf's relation to the United States to the relation of the Irish Channel to England. "... No foreign flag shall then float upon its bosom but by permission of the United States".⁸¹

⁷⁶ *Ibid.* 35 cong. 2 sess. (1859), 299.

⁷⁷ *Ibid.* 342.

⁷⁸ *Ibid.* 34 cong. 3 sess. (1857), Appendix, 180. For a proposal to investigate the Central American and Mexican situation for the purpose of establishing United States protectorates see resolution of Senator Sam Houston of Texas in *Ibid.* 35 cong. 1 sess. (1858), 716, 735-45.

⁷⁹ On several occasions certain northern statesmen suggested the annexation of Canada as a counter-balance to the possible acquisition of more territory suited for slavery. (See *De Bow's Review*, Jan., 1853, 63-6).

⁸⁰ *Cong. Globe*, 35 cong. 2 sess. (1859), 457. See similar view of Rep. Latham of California in *Ibid.* 33 cong. 1 sess. (1854), Appendix 951.

⁸¹ *Ibid.* Appendix, 296; 35 cong. 2 sess. (1859), 1190, 131-2.

Before the Civil War, particularly in the decade of the fifties, Cuba attracted more attention than did other parts of the West Indies.⁸² Said Representative Evans of Texas: Cuba is

"ours by the gift of God and nature, by contiguity and collocation, and by the clearest sanction of the laws of nations because it is dangerous to our peace and safety while in other hands than ours . . . Necessity implies more than this—that we must have it, and cannot even exist as an independent people without it."⁸³

The very fact that Cuba "commands the mouth of the Mississippi" is sufficient for United States possession of Cuba," asserted Representative Wright of Georgia.⁸⁴ Representative Anderson of Missouri would obtain Cuba immediately by purchase for a "fair and just" price, or by seizure even tho France and England protest. Are they to control our destiny? he asked. Are they to say: "This far thou shalt go, and no further?"⁸⁵ Senator John Slidell of Louisiana introduced a bill for the purpose of making an appropriation to negotiate with Spain for Cuba. This was discussed for several weeks during January and February, 1859.⁸⁶ Reuban Davis, Representative from Mississippi, was so anxious to get Cuba that he asserted that if the South became free it would take Cuba.⁸⁷ Representative Taylor of Louisiana introduced a resolution, which was objected to, for the purchase of Cuba for \$12,000,000 and for its creation into a state in the Union.⁸⁸ "Cuba," said Senator Polk of Missouri, "is the counterpart . . . of the valley of the Mississippi . . . Cuba . . . is on the one hand necessary to the United States and on the other the United States is necessary to her . . ."⁸⁹

⁸² For some presidential views regarding Cuba see Richardson, *Op. Cit.* as follows: Taylor, IV, 2545-6, 2549-50, 2585; Fillmore, IV, 2643, 2647, 2649, 2675, 2688, 2692-3, 2700; Pierce, IV, 2742, 2779; Buchanan IV, 3041, 3066; Grant, VI, 4018, 4050. Lewis Cass of Michigan desired that the Gulf should be an "American Lake." (*Cong. Globe*, 30 cong. 1 sess. 1848, 616, 754; 32 cong. 2 sess. 1853, 93).

⁸³ *Ibid.* 34 cong. 1 sess. (1856), 1294. See somewhat similar views held by Rep. Singleton of Mass. in *Ibid.* 33 cong. 1 sess. (1854), Appendix, 935; by Rep. Howard of Texas in *Ibid.* 32 cong. 2 sess. (1853), 81; and by Douglas of Ill. in *Life of Stephen A. Douglas by a Member of the Western Bar*, (1860), 186.

⁸⁴ *Cong. Globe*, 35 cong. 1 sess. (1858), Appendix 461.

⁸⁵ *Ibid.* 35 cong. 2 sess. (1859), 297.

⁸⁶ *Ibid.* 538-1386 *passim* and Appendix, 155 ff.

⁸⁷ *Ibid.* 35 cong. 2 sess. (1859), 703-6. See his resolution for the annexation of Cuba in *Ibid.* 185.

⁸⁸ *Ibid.* 747, Appendix, 149. On Feb. 16, 1860 he introduced a new bill for the purpose of negotiating for Cuba which was referred to the committee on Foreign Affairs. (*Cong. Globe*, 36 cong. 1 sess., 1860, 808). For further similar moves see *Ibid.* 812, 2456.

⁸⁹ *Ibid.* 35 cong. 2 sess. (1859), 1084.

But not all desired Cuba immediately. That island "stands in the way of our continual advancement and prosperity" remarked Representative J. B. Clay of Kentucky,⁹⁰ and, therefore, we must have it sooner or later thought the Senator from Virginia, Mr. Mason. He added:

"Whether we acquire Cuba in this generation or in the next . . . come it will just as certainly as that the world revolves upon its axis."⁹¹

Representative Polk of Tennessee prophesied:

"The future of Cuba is sealed; . . . No person under heaven can change it . . . Cuba is destined to be ours, and no power on earth can prevent it. Let her alone and she will come in of herself."⁹²

When that time arrives then it will be soon enough to discuss Cuban acquisition, believed Senator Clemens of Alabama.⁹³ In any case Cuba should be acquired peaceably and "fairly and honorably," asserted Robert Toombs, Senator from Georgia.⁹⁴

After the Civil War interest in Cuba was concurrent with interest in Haiti and Santo Domingo,⁹⁵ and views respecting the latter eclipsed all others. During January, February, and March, 1869, several joint resolutions were introduced into congress and discussed pertaining to annexation of Santo Domingo.⁹⁶ The champions of these activities were Representative Orth of Indiana and Representatives N. B. Banks and Benjamin F. Butler of Massachusetts. The latter in particular attempted on nearly a dozen occasions to introduce joint resolutions for the purpose of annexing that island.⁹⁷ On the night of December 21-22, 1870, the Senate held an all night session debating the annexation of Santo Domingo.⁹⁸

⁹⁰ *Ibid.* Appendix, 90.

⁹¹ *Ibid.* 32 cong. 2 sess. (1852), 139

⁹² *Ibid.* (1853), 211.

⁹³ *Ibid.* 156-7.

⁹⁴ *Ibid.* 35 cong. 2 sess. (1859), 541-2.

⁹⁵ On Jan. 11, 1869, Rep. Robinson of N. Y. introduced a joint resolution concerning Cuban independence and its annexation to the United States. (See *Cong. Globe*. 40 cong. 3 sess., 232). The reasons why the United States should possess Santo Domingo were well stated by Rep. Stoughton of Michigan in *Ibid.* 41 cong. 3 sess. (1871), Appendix, 18.

⁹⁶ *Ibid.* 40 cong. 3 sess. (1869), 317, 333 for House Resolution No. 405; 769, 972 for House Resolution No. 434. See further *Ibid.* 41 cong. 1 sess. 59, and 41 cong. 3 sess. (1871), 416.

⁹⁷ *Ibid.* 41 cong. 2 sess. (1870), 2442, 2495, 2547, 2602, 2660, 2861, 3977, 4442, 4601.

⁹⁸ *Ibid.* 41 cong. 3 sess. (1870), 236-71.

Many ardent expansionists would not stop with Santo Domingo. Oliver P. Morton, Senator from Indiana, said: "I regard it as a destiny not to be averted . . . that we shall acquire Santo Domingo, and Cuba, and Porto Rico."⁹⁹ Representative Fitch of Nevada believed that if Santo Domingo were annexed Cuba and Haiti would join the United States.¹⁰⁰ Representative Wilkinson of Minnesota would take the whole of the West Indies and Central America besides.¹⁰¹ Representative Wood of New York would add Mexico to complete the picture.¹⁰² Representative Woodward of Pennsylvania aptly climaxed the discussion when he stated the belief that the founders of the United States in using the term "continental" army, laws, government, etc., had in mind all of the West Indies plus the whole continent.¹⁰³

VI.

The presidents of the United States between 1848 and 1871 all had very definite opinions on expansion and Manifest Destiny, though they did not all favor it. The following discussion of their views will be very brief, aiming simply to summarize attitudes.

President Polk was an ardent worshiper at the shrine of American expansion. When he became president he looked forward to settling the Oregon question and to obtaining California.¹⁰⁴ In his first inaugural address he asserted: "To enlarge its [the United States] limits is to extend the dominions of peace over additional territory and increasing millions."¹⁰⁵ His desire for territory evidently grew as the war continued.¹⁰⁶ However, he did not wish to take all of Mexico, or as much even as several of his cabinet members,¹⁰⁷ though the exact concept of the amount to be taken changed in his own mind.¹⁰⁸ Yet toward

⁹⁹ *Ibid.* 237-8.

¹⁰⁰ *Ibid.* (1871), 411.

¹⁰¹ *Ibid.* 41 cong. 2 sess. (1870), Appendix, 491.

¹⁰² *Ibid.* 41 cong. 2 sess. 4481.

¹⁰³ *Ibid.* 40 cong. 3 sess. (1869), 339.

¹⁰⁴ Schouler, *History of the United States*, IV, 498.

¹⁰⁵ Richardson, *Op. Cit.* III, 2230.

¹⁰⁶ Polk, *Diary* (Qualfe ed.), III, 161, 217.

¹⁰⁷ *Ibid.* III, 229-30. Secretary of State Buchanan desired to take more territory than did the President. Secretary Walker wanted all of Mexico. Mason, Clifford, and Johnson all agreed with the President. (See *Diary*, III, 164-5, 276-7, 349-50). On the Cabinet's views regarding the purchase of Cuba see *Ibid.* 468-9. Cf. Bourne "The United States and Mexico, 1847-8" in *Amer. Hist. Rev.* April, 1900, 495.

¹⁰⁸ Polk, *Diary*, III, 238-9, 347-8; Richardson, IV, 2387-96, *passim*.

the end of the war a group of the president's political opponents in congress accused him of continuing the war in order to conquer all of Mexico. This, of course, he branded as false.¹⁰⁹

On the Yucatan question President Polk preferred to give substantial aid rather than to allow interference by a foreign power, but he desired congress to decide the question.¹¹⁰ Concerning Cuba the president opposed its revolutionizing but favored its purchase by the United States government.¹¹¹

Neither President Taylor¹¹² nor President Fillmore¹¹³ favored an expansion policy on the part of the Government. President Pierce, on the other hand, spoke with a great deal of vigor in his inaugural address (1853) regarding United States expansion.

" . . . The policy of my administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation and our position on the globe render the acquisition of certain possessions not within our jurisdiction eminently important for our protection, if not in the future essential for the preservation of the rights of commerce and the peace of the world. Should they be obtained it will be through no grasping spirit, and in a manner entirely consistent with the strictest observance of national faith."¹¹⁴

However, with the neighboring nations on the continent, "we should cultivate kindly and fraternal relations" so that they can "consolidate their strength and pursue the paths of prosperity and happiness."¹¹⁵ Three years later he told congress that the United States had abstained from absorbing "new territories in America . . . in obedience to considerations of right not less than policy."¹¹⁶

¹⁰⁹ Polk, *Diary*, III, 348.

¹¹⁰ Polk, *Diary*, III, 433-4; Richardson, IV, 2431-6, *passim*. For Yucatan question see Rippey, *United States and Mexico*, 20 ff.

¹¹¹ Polk, *Diary*, III, 476-7. Polk here remarks that O'Sullivan, editor of the *Democratic Review* and the *New York News*, first suggested the purchase of Cuba to him. (*Ibid* 493).

¹¹² President Taylor said: "If there be any who would desire to seize and annex any portion of the territories of their weak sister republics to the American Union, or to extend our dominion over them, I do not concur in their policy; and I wish it to be understood in reference to that subject that I adopt the views entertained, so far as I know, by all my predecessors." (Richardson, IV, 2580-1).

¹¹³ President Fillmore told Congress: "It is not strange, however much it may be regretted, that . . . some individuals . . . mistake change for progress and the invasion of the rights of others for national prowess and glory . . . The latter are ever ready to engage in any wild crusade against a neighboring people, regardless of the justice of the enterprise and without looking at the fatal consequences to ourselves and to the cause of popular government . . . These reprehensible aggressions but retard the true progress of our nation and tarnish its fair name." (Richardson, IV, 2717). For further views see *Ibid*. 2614, 2652, 2715.

¹¹⁴ Richardson, IV, 2731.

¹¹⁵ *Ibid*. 2732.

¹¹⁶ *Ibid*. IV, 2904.

President Buchanan was a firm believer in national expansion, in part perhaps, to humor the South.¹¹⁷ The Democratic party which elected him expressed sympathy with Walker's activities in Nicaragua.¹¹⁸ On January 7, 1858, in a message to congress dealing with problems raised by this adventurer the president said:

"It is beyond question the destiny of our race to spread themselves over the continent of North America and this at no distant day, should events be permitted to take their natural course."¹¹⁹

But all such expansion should be peaceable "unless circumstances should occur" which render the use of force, "justifiable under the imperative and overruling law of self preservation."¹²⁰

President Lincoln, though he favored prosecuting the Mexican war while in congress,¹²¹ never appeared in favor of a wide conquest of territory,¹²² particularly if it meant the extension of slavery.¹²³ Asked by Douglas whether he opposed acquisition of new territory unless slavery was first prohibited, Lincoln replied:

"I am not generally opposed to honest acquisition of territory, and in any case, I would or would not oppose such acquisition accordingly as I might think such acquisition would or would not aggravate the slavery question among ourselves."¹²⁴

After his inauguration President Lincoln had no time for thoughts concerning acquisition, but on April 14, 1862, he did believe that Central America would be an excellent place for Negro colonization.¹²⁵

The idea of expansion seemed to grow upon President Johnson. December 3, 1867, in his third annual message he said:

¹¹⁷ Before becoming President, Buchanan had expressed his desire for much Mexican territory in 1848, and in 1850 in a letter to Mr. Foote he asserted that he looked "forward to the time when our limits would be peacefully extended over all North America." (*Works of James Buchanan*, Moore ed., 1908-11, VIII, 11, 387).

¹¹⁸ McLaughlin, *Lewis Cass*, (1891), 309.

¹¹⁹ Buchanan, *Works*, X, 174.

¹²⁰ Richardson, IV, 3041-2, Concerning his views of the establishment of a Mexican protectorate see *Ibid.* IV, 3045, 3099-3100.

¹²¹ Nicolay and Hay, *Complete Works of Abraham Lincoln*, (1905), VI, 35.

¹²² *Ibid.* I, 327-45, *passim*.

¹²³ *Ibid.* II, 56.

¹²⁴ From debate at Freeport August 27, 1858. (*Ibid.* III, 274). A similar view was expressed at the Galesburg debate Oct. 7, 1858. (*Ibid.* IV, 294-5).

¹²⁵ *Ibid.* VIII, 1-9, *passim*.

"I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the continental states including our own. I agree with them also that it is wise to leave the question of such absorption to the process of natural political gravitation."¹²⁶

A year later on December 9, 1868 the president remarked:

"... Too little has been done by us ... to attach the communities by which we are surrounded to our country, or to lend even moral support to the efforts they are so resolutely and so consistently making to secure republican institutions for themselves ... Comprensive national policy would seem to sanction the acquisition and incorporation into our Federal Union of several adjacent continental and insular communities as speedily as it can be done peaceably, lawfully and without any violation of national justice, faith and honor."¹²⁷

When Grant became president on March 4, 1869, it appears that he opposed the annexation of foreign territory to the United States,¹²⁸ but on April 5, 1871, he sent a special message to Con-

gress concerning the acquisition of Santo Domingo, in which he said:

"When I accepted the arduous and responsible position which I now hold, I did not dream of instituting any steps for the acquisition of insular possessions. I believed, however, that our institutions were broad enough to extend over the entire continent as rapidly as other peoples might desire to bring themselves under our protection."¹²⁹

Congress, however, failed to carry out Grant's pet plan and no further mention was made by the executive of Manifest Destiny.¹³⁰

¹²⁶ Richardson, V, 2777-8. St. Thomas and St. Johns were the islands immediately under considerations by the president.

¹²⁷ *Ibid.* V, 3886-7. The president at this time, (1868), favored annexation of Cuba, Santo Domingo, St. Thomas and St. Johns, and the Hawaiian Islands which latter he expected to apply for admission into the union.

¹²⁸ *Ibid.* VI, 4083.

¹²⁹ For views of Grant's Cabinet members see J. D. Cox "How Judge Hoar Ceased to be Attorney-General" in *Atlantic Monthly*, Aug. 1895, 164. For negotiations concerning Santo Domingo see *Sen. Ex. Docs.*, Nos. 17 and 34 (41 cong. 3 sess.); *H. Ex. Doc.*, No. 237 (41 cong. 2 sess.); and Nos. 42 and 43 (41 cong. 3 sess.).

VII.

Throughout nearly the whole period under discussion one man stands preeminently as the champion *par excellence* of the Manifest Destiny of the United States. This is William H. Seward of New York.¹³¹

As early as 1844 Seward foresaw the war with Mexico, but he opposed it on the ground that it might mean the extension of United States territory to be used for slavery.¹³² It was always his view that the United States should not expand through warfare.¹³³ and when the question of annexation of Mexican territory arose he opposed the views of Cass of Michigan on the ground that the latter wanted to swallow the whole of Mexico.¹³⁴ However, Seward believed that eventually Mexico would join the United States, more certainly if the right to use the Isthmus of Tehuantepec were obtained by the United States.¹³⁵ But Mexico, he believed, would always oppose such a union for fear that negro slavery would be forced upon her.¹³⁶ Therefore, if the United States wanted Mexico it should wait until slavery were abolished before taking Mexican territory.¹³⁷ When that day shall come the United States will acquire "all of the West Indies, Central America," Canada and Mexico,¹³⁸ and the Capitol of the United States will be moved to Mexico City.¹³⁹

"It is not our choice . . . that our lot as a people is cast upon a continent, and that we are so constituted that in spite of ourselves we must become, sooner or later, the possessors of the whole continent of North America . . . France and Spain and Great Britain, who formally acquire vast possessions on this continent, have been gradually giving away . . . Every year they are weaker, and

¹³¹ For Seward's views see: *Works*, (Baker ed. 1884), 5 vols.; *Biography*, 1801-34, (F. W. Seward ed. 1891); W. H. Bancroft, *Life of W. H. Seward*, 2 vols., (1900); E. E. Hale, Jr., *W. H. Seward* (1910); C. F. Adams, *Address on Life, Characteristics and Services of W. H. Seward*, (Albany 1873); W. B. Reed, *A Review of Seward's Diplomacy*, (n. p., n. d.); Charles Ingersoll, *The Diplomatic Year. A Review of Seward's Correspondence of 1862* (1863); W. H. Seward, *The West, Its destiny and its duty* (1860); W. H. Seward, *The Destiny of America*, (1853).

¹³² Seward, *Works*, III, 251-2, 272, 273; IV, 406.

¹³³ *Ibid.* III, 409; I, 293.

¹³⁴ Speech at Whig mass meeting in Boston Oct. 15, 1848. (*Works*, III, 287-8). He once spoke of the Mexicans as "the effeminate descendants of the Castillian." (*Works*, III, 14).

¹³⁵ *Works* III, 654-5.

¹³⁶ *Works*, IV, 170.

¹³⁷ *Ibid.* IV, 605.

¹³⁸ *Ibid.* IV, 311-12.

¹³⁹ *Ibid.* IV, 331-3, 605. See also *Biography*, *op. cit.* III, 484. This view he soon modified.

it is only a question of 50 or 100 years before we shall be masters of the American confederacy or republic over all this."¹⁴⁰

The next step would be to acquire the whole continent.¹⁴¹

"I sometimes allow myself to indulge speculations concerning the period when there shall be on this continent no other power than the United States; and a new constitution of human society opens itself before me when I contemplate the influence then to be wrought on Europe and Asia by the American people situated midway between the abodes of western and oriental civilization."¹⁴²

The result of this control would be "a higher state of development and civilization than ever Europe and the United States have yet attained . . ."¹⁴³ In a word the United States "is to renovate the condition of mankind."¹⁴⁴

The consummation of this scheme would involve seizing European possessions.

"The monarchs of Europe are to have no rest, while they have a colony remaining on this continent . . . It behooves us, then, to qualify ourselves for our mission—we must dare our destiny."¹⁴⁵

This expansion will be made easier because foreign peoples desire our protection,¹⁴⁶ and the American people favor expansion and will take their institutions with them.¹⁴⁷

His ideas concerning Manifest Destiny may best be summed up in the following words:

"Wherever the American people go they will draw the American government over them; . . . expansion and incorporation were the laws impressed on the American people

¹⁴⁰ *Works*, IV, 394-5. This is from a speech at Lawrence, Kan. Sept. 26, 1860.

¹⁴¹ *Ibid.* IV, 122, 603.

¹⁴² *Ibid.* IV, 102. This is from a speech at Leavenworth, Kan. Sept. 27, 1860. For further similar views see *Ibid.* V, 423.

¹⁴³ *Ibid.* IV, 415. Seward to Adams in England, Jan. 15, 1864.

¹⁴⁴ *Ibid.* III, 293. He expressed a similar view Feb. 23, 1869 in a speech in N. Y. on the "Darlen Canal," *Works*, V, 590.

¹⁴⁵ *Works*, III, 409. This is from speech at a Whig convention in Chautauqua county, N. Y., March 31, 1846. See *Ibid.* IV, 124-5, 147. In July 1868 he wrote: "Vigorous and well-established European powers now freely cede to us for fair equivalents such of their colonial possessions in this hemisphere as we find desirable for strength and commerce." (Seward to Burlingame, *Works*, V, 587-8).

¹⁴⁶ *Works*, III, 109, 613; IV, 124, 170; Cong. Globe. 34 cong. 1 sess. (1856), 1071.

¹⁴⁷ *Works*, III, 186-8.

200 years ago, and they yield to those laws now just as they have hitherto done, because they have arisen out of circumstances above national control, and are inevitable. Let me not, however, be misunderstood. I advocate no headlong progress, counsel no precipitate movement, much less any one involving war, violence, or injustice. I would not seize with haste, and force the fruit, which ripening in time, will fall of itself into our hands . . . I have shown you that a continent is to be peopled, and even distant lands to be colonized by us."¹⁴⁸

In what better way could the concept of Manifest Destiny be expressed?

¹⁴⁸ *Works*, III, 186-8. This is from a speech on "Improvement of Farms and farming" delivered at the Agricultural State fair at Rutland, Vt., Sept. 2, 1852. Wells confided to his diary one side of the popular view respecting Seward's expansion policies. "The truth is, Seward has become almost a monomaniac on the subject of territorial acquisition, that being the hobby on which he expects to be a candidate for President. It shows itself in everything." (*Diary* III, 125). Again Wells writes: "Seward is anxious to make a purchase somewhere. Has loose, indefinite and selfish notions. It is more the glory of Seward than the true interests of the country, I apprehend. He craves constant notoriety." (*Diary*, III, 96). See further in *Ibid.* III, 106-7.



**RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LIV.**

March-April, 1746.

(Continued from January, 1932.)

By HELOISE H. CRUZAT.

Marginal Notes by Henry P. Dart.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this instalment of the Index, viz:

Le Normant, Sebastian
Francois Ange, First
Judge and Commissaire
Ordonnateur
Henry, Nicolas, Notary and
Clerk (Greffier)
Fleuriau, Francois,
Procureur General
Chantalou, Augustin, Sheriff
Lenormand, Marin,
Deputy Sheriff

Raguet, Jean Baptiste,
Councillor
Prat, Jean, Councillor
Le Freniere, Nicolas
Chauvin de, Councillor
Cantrelle, Jacques,
an employee
Barbin, Francois Godefroy,
Attorney for Vacant
Estates.
de Benac, Major of
New Orleans

March 1, 1746.

27254. fo. 30.

4152. 12 pp.

Agreement between J. B. Prevost and Louis Questa for the management of former's plantation at English Turn from date of contract to December, 1747.

This document is useful in the study of the methods of cultivation in that period, and the details are particularly interesting, showing as they do the equipment, improvements and slave labor involved in the transaction. The owner, J. B. Prevost, is evidently acting for his principals, the Company of the Indies, which released in 1731 its control over the Colony but was engaged for more than thirty years in the liquidation of its Louisiana holdings.

Agreement between Mr. Jean Baptiste Prevost, Agent of the Company of the Indies, and Louis Questa, as overseer of Prevost's plantation situated at the English Turn, for exploitation of said plantation until the last day of December, 1747. Instructions as to quality and quantity of what is to be planted; the number of ploughs and other utensils to keep up; number of slave laborers who are to cultivate their own provisions and make needed repairs; what is to be included in costs of said plantation; instructions for construction, placing and upkeep of indigo vats; share of overseer and of slaves in labor and profits of plantation; clauses as to dairy and barn yard products and cattle. Inventory to be made of all utensils which must be returned in like condition at expiration of contract.

Signed: Prevost. Henry, notary.

These signatures are the only ones visible on P. 27265, which is torn and going to pieces.

Synopsis covers pages 27254, 27255, 27264 and 27265.

27256.

April 1. Inventory of contents of plantation of Jean Baptiste Prevost at the English Turn, in charge of Louis Questa, overseer or manager, to be annexed to said contract, deposited in the office of Mr. Henry, Notary Royal at New Orleans, on date of March 1, 1746.

Inventory covers full description of house, furniture, utensils, bedding, a salt chest, kitchenware, poultry, hogs and sow, a bell weighing 30 lbs., mounted; negroes on plantation, sheds, sheepfold, equipment for making indigo, mules, horses, cattle and work animals.

Signed: Prevost. Henry, notary.

Document refers to "indigo marron" which is known to have been purple indigo.

March 1.

2 $\frac{1}{4}$ pp.

Robineau de Portneuf, husband of the widow Therese Trudeau de la Buissonniere seeks release of his trust as tutor of his wife's minor brother, and offers an accounting to Sr. Trudeau, the boy's uncle and new tutor. The tender is made in paper money of the Colony, whose intrinsic value has fallen three-fifths under the King's declaration of January 2, 1745.

This illustrates the losses suffered by the people of the Colony through the fluctuation in value of the paper money, the only medium of Louisiana during the French Era.

Petition to Superior Council by Louis Robineau de Porteneuf, Infantry Officer, as husband of Therese Trudeau, widow of Sr. Alphonse de la Buissonniere, former Commandant of Illinois and tutor of Gabriel de Juzan, minor son of Gabriel de Juzan and of Francoise Trudeau, both deceased, stating that Sr. de La Buissonniere received from the succession of deceased Mr. Trudeau, maternal grandfather of Juzan minor, his share as co-heir in his grandfather's succession, amounting to 3000 livres in Colonial notes in 1742, and in 1743 the petitioner was elected tutor of said minor as he had married Sr. La Buissonniere's widow and consequently was charged with the said minor without direct responsibility, his estate consisting of the negress purchased

by Sr. de la Buissonniere for account of the minor.

As the boy's uncle has been formally elected tutor, it is suitable that petitioner return the amount received in paper money of the Colony which even in commerce of the time had a very low value, the intrinsic value of which has gone down three-fifths through the "declaration of the King of Jan. 2, 1745, to compose a piastre of five livres real silver equivalent to the livre tournois.

Wherefore he prays for citation of Sr. Trudeau, for the next session of the Council, to be ordered to receive the sum turned over to petitioner, as a voluntary deposit, not being able to do otherwise than at 12 livres, 10 sols as per declaration of His Majesty, it being impossible to remit Colonial notes

which no longer exist and which he was obliged to exchange according to reduction, and prays that costs be borne by succession.

Signed: Robineau Portneuf.

March 1. Permit to cite signed by Raguet.

March 1. Notice of citation before Council served on Sr. Louis Robineau de Portneuf, at his elected domicile, pavilion of the Barracks ("Pavillon des Cazernes").

Signed: Lenormand.

March 1, 1747.

1½ pp.

See March 1, 1746.

Trudeau refuses to receive the money tendered by Portneuf, contending that the tutor and not the minor should bear the loss through depreciation, and that, moreover, the tutor had invested a part of the fund in a negress and the minor was entitled to this slave and her issue.

Defense of Sr. Trudeau vs. Sr. Robineau de Portneuf stating that he cannot consent to receive the money coming to Gabriel de Jusan, his nephew, otherwise but at the rate of five livres to the piastre, it being just that the dowry of this child's mother suffer no reduction and that funds received by de la Buissonniere in 1742 and turned over to Sr. Robineau de Portneuf in 1743 in bons should have benefited the minor, and should not be subject to the reduction which only came two years later. That De la Buissonniere employed a small portion of the sum to purchase a negress and the difference is thereby proven, since the said negress, bought with the minor's funds was adjudicated to him at the price she would be worth at this day, wherefore Sr. Trudeau prays that Robineau de Portneuf's

See preliminary ruling by the Council March, 5, — No. 37.

claim be denied and that he be compelled to pay the sums which are due to the de Jusan minor, including the negress, in kind and her issue, with interest and costs on Portneuf.

Signed: Trudeau.

March 2, 2¼ pp.

Catherine Magny, wife of Louis de Gourdon, appearing through Augustin Chantalou Agent, claims the estate of Alphonse de La Buissonniere, and also sums of money due by him. She says she is first cousin of the decedent who was commandant at Illinois.

Petition to Superior Council by Augustin Chantalou, acting under procuration of Dame Catherine Magny, wife of Messire Louis de Gourdon, General Commissioner and Chief Clerk of the Marine, who declares herself the sole and universal heir of Sr. Alphonse de La Buissonniere, her first cousin, Commandant for the King at Illinois, where he died indebted to her for several sums, stating that by decree of Council of Feb. 25, 1745, and letters of benefit of inventory obtained by petitioner, which confirmed her claim, notice being sent to his widow, Dame Therese Trudeau and to domicile of the Procureur of the King to be sent to said widow de la Buissonniere at Illinois, now married to Sr. Louis Robineau de Portneuf, Marine Officer at present in New Orleans. Petitioner prays for cita-

tion of Sr. Robineaud de Portneuf as husband of said widow in order to secure it as it may seem fit.

Signed: Chantalou.

See preliminary ruling by the Council March 5, 1746, No. 4.

March 2. Permit to cite signed by Raguet.

March 2. Notice of citation served on Sr. Robineau, at the pavilion of the Barracks*, before the Council at its next session, on the following Saturday, at nine o'clock in the morning.

Signed: Lenormand.

*Barracks at that time were on Decatur street between what are now Barracks and Hospital.

March 2, 3 pp.

Suit by the daughter of Philip St. Martin against her mother and the latter's husband by second marriage to hold the community of this marriage liable for plaintiff's interest in her father's estate on the ground that at the time of the second marriage no inventory of the first community was made.

Petition to Superior Council by André Carriere, Officer of Militia, resident of this Colony, as husband of Marie St. Martin, daughter of Philippe St. Martin, deceased, at Lille in Dauphiny and of Marianne Hervieux now married to Francois Gallar Chamilly, stating that the community between St. Martin and Marianne Hervieux continues up to date, as Sr. Chamilly had no inventory made of the first community at the time of his marriage to said widow. That said Madam Carriere has

received naught to stand for dowry or inheritance from Sr. Chamilly or from her mother as her natural tutrix though they have established all the children of the second marriage and that the funds of the first community have benefited the second.

Wherefore said Carriere prays for citation of Sr. Chamilly as tutor by marital right and his wife's mother as natural tutrix to be compelled to render account to petitioner of the goods of the first and second community and that in consequence there be made inventory, description and appraisement of said goods in the usual manner before the Commissioner on this case, the Procureur General of the King and all the heirs who shall be duly called, the petitioner reserving the right to answer in time and place as need may be, praying that the Community pay costs.

Signed: Carriere. Mari Saint Martin.

Order to cite signed by Lenormant.

March 20, 1746. Notice of citation served on Sr. and Dame Chamilly, at their domicile in New Orleans, to appear before Council at its next session, the following Saturday at eight o'clock in the morning.

Signed: Lenormand.

March 3.
27266. fo. 30.
4143. ff. 1½ pp.

Sale of a negro, piece d'Inde, by Antoine Rolland, wig-maker, to Francois Henet who declared that he bought said negro

(Sale of a negro slave,
piece d'Inde, ie, of
African birth) for
525 livres.

for account of Mr. Gagnon. This sale is for the sum of 525 livres. Said Sr. Henet has paid 325 livres and obligates himself to pay the remainder in February, 1747, at the domicile of Sr. Rolland, furnishing mortgage security for same.

Signed: hesniet. Roland. Derneville. Chantalou. Henry, notary.

March 4, 2½ pp. **Petition** to Superior Council by Sr. Delagautrais, stating that having married Dame

The second husband of a widow who is tutrix of her children by first marriage, petitions for authority to sell the property of the minors in Illinois. A family meeting is convened and upon its advice the Council orders the sales.

Among the holdings were slaves in Illinois who were ordered brought to New Orleans to work on the petitioner's plantation. See judgment March 5, 1746, No. 9.

Neveu, widow of Sr. du Thisnet, and natural tutrix of the children of both marriages, he finds himself charged with a plantation in the dependance of Illinois and a few lots owned by the said widow and minors, that he has bought a plantation here lately; that the goods of the minors in Illinois consists in cattle, mills and buildings, all perishable, owing to absence, and being obliged to support and educate the children he prays to be allowed to sell said goods on compliance with prescribed formalities, with consent of relatives and friends whom he prays be convened to give their opinion thereon.

Signed: DeLagautrais.

Judgment was rendered on this petition a family meeting held in New Orleans, consents that the property in Illinois be sold so that funds may be invested in ameliorating a plantation which will serve as security for goods of the minors and to furnish them with support and education. Dated March 5, 1746, and signed: lafreniere. Bellair. Chauvin. Le Bretton. Volant. daniel hubert. demembrede.

March 5, 1746. Consent of the Procureur Général of the King, following advice of relatives and friends, for investment of goods of minors in establishment of a plantation in the environs of New Orleans which will serve as security for property of said minors and permit said de la Gautrais to bring down the negroes from Illinois to work thereon.

Signed: fleuriau.

March 4. 1 p. **Statement** to Superior Council by Sr. Antoine Aufrere that it is impossible for him

Motion for delay in which to answer a pending suit.

to answer at present Sr. Barbin, Attorney of Vacant Estates, considering that Sr. Dupart, his fiduciary cited jointly with him is absent and expected daily, which

he hopes the Council will take into consideration and grant a delay of a fortnight; reserving costs.

Signed: Aufrere.

March 5.
1070. 5½ pp.

Judgments rendered by the
Superior Council.
See also the succeeding
entry under this date.

(1) de Langloiserie (Chantalou, agent) vs. Sr. Pasquier. Judgment by default for 5000 livres.

Session of the Superior Council of March 5, 1746, where were present: MM. Le Normant, First Judge; de Benac, Major, de Lafreniere, Raguet, Fazende, Prat, LeBretton, Councillors.

Judgments rendered in following cases:

1. Between Chantalou acting for Dame de Langloiserie* plaintiff, vs. Sr. Pasquier, defendant, absent: Judgment in default against Pasquier, condemned

on conclusions of the Procurer General of the King to pay the 5000 livres claimed by Dame de Blainville for her son's legacy from Sr. de Ste Therese de Langloiserie. Costs on Sr. Pasquier.

*Note. She was Suzanne Piot de Langloiserie, sister of Sr. Ste Therese de Langloiserie and wife of Sr. Celeron, Sieur de Blainville.

Prevost vs. Lorrain.

2. Between Sr. Jean Baptiste Prevost, acting under procuration plaintiff, vs.

Jacques Lorrain (Tarascon), defendant: Following the decree rendered Jan. 2, 1745, Tarascon having declared that he owed 300 livres to Poupart, the Council certified his declaration and orders the debt, which is now worth only twenty-four piastres, to be paid on return of note. Costs reserved.

See March 2, 1746.
Portneuf vs. Trudeau.
Plaintiff ordered to render
an account to defendant.

3. Between Sr. de Portneuf, plaintiff and defendant, vs. Sr. Trudeau, defendant and plaintiff: Case heard, also conclusions of the Procureur General of the

King, the Council before rendering judgment orders Sr. de Portneuf to render account to said Trudeau in his qualification, the account to be reported for judgment thereon. Costs pending.

Mr. Le Normant retired.
Gourdon vs. Portneuf.

4. Between Sr. Chantalou acting under procuration of Madam Gourdon, plaintiff, vs. Sr. de Portneuf, defendant,

as husband of Widow de la Buissonniere: The Council has declared Sr. de Portneuf in default, wherefore it has ordered that the letters of benefit of inventory obtained by said Chantalou be executed. Costs pending.

Mr. Le Normant retired.
See: March 4, 1746.
Heirs of de Richarville vs. Barbin, Attorney of Vacant Estates. Defendant is ordered to pay plaintiff the sum due by the Succession of D'Ausseville, former Attorney for Vacant Estates, received by him for account of plaintiff's ancestor.

5. Between Sr. Chantalou holding procuration of the heirs of de Richarville, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Sr. D'Ausseville former Attorney of Vacant Estates, who when he died had in hand the settlement of the succession of said deceased de Richarville: The case heard with conclusions of

the Procureur General of the King, and account rendered by

Sieur Barbin by which he declared that the said succession (de Richarville) amounts to the sum of five thousand nine hundred and seventy livres, four sols, nine deniers, received from the Dauseville succession, as well as from Buchet of Illinois, which sums were remitted as part of the consignments. The Council orders Sr. Barbin to pay said heirs the sum that may still be due, to be taken from the amount consigned after which he shall be given good and valid discharge from succession of D'Ausseville and de Richarville.

Barbin agent of D'Ausseville vs. Aufrere. Defendant is ordered to render an account of the D'Ausseville succession.

orders Sr. Aufrere to render account to plaintiff of all he has received from said succession: money, titles and papers. Costs reserved.

See May 7, 1746. De Bourgerel (Chantalou agent) vs. Sevet. The defendant is ordered to render an account of the merchandise intrusted to him.

disse intrusted to him, justice to be done on the report. Costs pending.

Moreau vs. his wife. Judgment postponed to next session. See March 4, 1746.

De La Gautray petitioning for authority to sell. Family meetings advice homologated and sale ordered.

homologated their consent. In consequence it orders that the house in Illinois, the land and cattle be sold and the returns thereon and other funds invested in a plantation situated at the "Chapitoulas" and the negroes in Illinois sent to the said plantation where reside Sr. de La Gautraye, his wife and the Girardy and Dutisne minors.

*In other documents he signs Delagautrais.

Tibierge vs. Marin. Appeal from Illinois judgment ordering a new partition on the basis of one-third to the children of Dubois, one-third to Marin and the other third equally divided between the children of Dubois and Marin.

6. Between Sr. Barbin, acting under procuration of deceased Sr. D'Ausseville, vs. Sr. Aufrere: On conclusions of the Procureur General of the King, the Council has declared Dupart in default and

7. Between Sr. Augustin Chantalou, acting under procuration of Sr. de Bourgerel, vs. Pierre Louis Sevet, defendant: Council before rendering judgment orders Sr. Sevet to render account of the sums entered in the invoice for merchan-

8. Between Jean Moreau, plaintiff vs. Marianne Giraudon, his wife, separated in goods; Council has adjourned decision to next session of Council.

9. Between Sr. de La Gautraye* as husband of Widow Dutisne and previously wife of Sr. Girardy, petitioner: Following the petition and the opinion of relatives and friends, the Council has

10. Between Sr. Tibierge as plaintiff and appellant vs. Sr. Marin, defendant: Council decides that there was continuation of community up to date of inventory, Feb. 3, 1739, and orders division to be made over of the goods, i. e. a third to children of Dubois, another third to Marin, and the third share to be equally

divided the children of Dubois and those of Marin, the succession to pay costs.

Signed: Lenormant. fazende. Prat. Lafreniere. Raguet.

March 5, 28 pp. **Session of Superior Council** of March 5, 1746, where were present MM. Le Normant, First Councillor; de Benac, Major; Lafreniere, Raguet, Fazende, Prat, Le Bretton, Councillors.

(Duplicate)

This entry covers some of the matters contained in the preceding entry. Numbers 5, 6, and 7 seem to carry more details than are found in the first report.

1. Judgments in cases of Chantalou, acting under procuration of Miss Suzanne Piot de Langloiserie, wife of Jean Baptiste Celeron Ecuyer Sieur de Blainville, plaintiff, vs. Sieur "Pasquier": Judgment in favor of Madame de Blainville.

2. Between Jean Baptiste Prevost, under procuration, plaintiff, vs. Jacques Lorrains called Tarascon: Judgment in favor of plaintiff.

3. Between Sr. Robineau de Portneuf, plaintiff and defendant, vs. Sr. Jean Trudeau, Marine Officer and maternal uncle and tutor of Gabriel de Juzan, a minor: Council orders that account be rendered and report made to Council before rendering judgment. Costs pending.

4. Between Sr. Chantalou acting under procuration of Dame Catherine Magny, wife of Mr. Louis de Gourdon, clerk of the Marine as creditor and heiress of Sr. Alphonse de La Buissonniere, vs. Sr. Robineau de Portneuf who married his widow: Judgment against Sr. de Portneuf.

See March 5, 1746.

5. Between Sr. Nicolas Godefroy Barbin, Attorney of Vacant Estates, correspondent of heirs and creditors of deceased Sr. D'Ausseville and of deceased Sr. de Richarville, plaintiff, vs. Sr. Antoine Aufrere, substitute attorney for Sr. Gerard Pery, defendant: Sr. Aufrere is ordered to render account to plaintiff of all sums received from D'Ausseville estate and from Buchet of Illinois, said sums to be remitted to said heirs as part of consignments, after which he shall be given good and valid discharge from said succession; Sieurs Aufrere and Dupart to remit to plaintiff the sum of 20039 livres for amount of notes, 6125 livres for Colonial notes, 1000 livres for Ancelain's note, and 13300 livres in specie and also the slaves that were not sold judicially and some plantation utensils, owned by said D'Ausseville Succession without prejudice to other claims which he has against them for sales, interest and costs, following sentence of June 26, 1745, rendered at St. Malo and in consequence to suspend the case for a fortnight in order that Sr. Dupart may appear, Aufrere being ordered to render account of all he received from said succession and which will have been legitimately charged to it such as books, papers and instructions show. Costs pending.

6. Between Sr. Augustin Chantalou acting under procuration of Sr. Bourgerel, plaintiff, vs. Sr. Sevet, defendant: The merchandise was to be sold at Martinique and on returns one fourth to go to Sr. Sevet as profit wherefore Council orders said Sevet to render account to plaintiff of the said merchandise, profit, interest and costs, following the procuration granted Nov. 12, 1743, the substitution thereof on date of April 10, 1745, before Per and Rousseau, notaries of the Cape, duly legalized with bill of merchandise in bale intrusted to Sr. Sevet, March 10, 1736, Sr. Sevet has been notified to furnish report of sums carried in said invoices that justice may be done. Costs pending.

7. Petition of Delagautrais as husband of Dame Neveux, widow of Sr. Dutisne and previously of Sr. Girardo, tutrix of children by both marriages, who were heretofore established in Illinois where they owned land, cattle and slaves, to approve of sale of land and goods, returns to be invested in a plantation at the Chapitoulas, and of bringing down the slaves to work on same for the interest of minors, petitioner furnishing all securities required: Relatives and friends having given their consent Council permits sale and removal of negros, after homologation of consent of family of the minors, to the Chapitoulas plantation where the parents and minors reside.

8. Between Tibierge and Dubois: Council orders another division of goods, decreeing that community continued until inventory made Feb. 3, 1739, a third of estate reverting to Dubois heirs, one third to Marin heirs and the other third to be divided between Dubois and Marin heirs. Costs on succession. (Details, whole case reviewed).

March 6.
27268. fo. 30.
4154. 1½ pp.

This lease to Franco Vignon, called La Combe, is the first instance that his name appears on our record. The lease being primarily to work in tar. It may be that the location was in the present Parish of St. Tammany.

Rent Lease by Sr. Francois Hery called Duplanty to Franco Vignon, called La Combe, of a plantation, four negroes and two negresses, (pieces d'Inde), said Duplanty accepting risks of natural death and of their running away, and of the events which may follow, the said negroes being hired to work in tar and other labor with La Combe, who obligates himself to furnish to each of them a

blanket coat and to the negresses a skirt, to nourish and support them in health as well as illness and to pay 300 livres for each negro and 250 livres for each negress per annum, which shall begin on the tenth of the present month and end at like date in 1747, and will be paid in piastres of five livres each.

Signed: Vignon LaCombe.

A sum of 850 livres shall be paid in six months and the remainder at the end of the term from the day the slaves will be delivered. If the slaves should happen to be ill over a

month, the surplus time of the illness shall be deducted on the whole sum at a pro rata as well as the medicines furnished the said slaves.

Signed: Lhery. Songy. Vignon La Combe. Chantalou. Henry, notary.

March 7.
28974. 2 pp.

Family meeting to select an under tutor for the minor, Louis Judice, son of Jacques Judice and Marie Gentil. Jacques Cantrelle was appointed.

Meeting of Relatives and friends of Louis Judice, minor son of deceased Jacques Judice and Marie Gentil, before Councillor Raguet, following notices delivered by Sheriff Lenormand to elect an under tutor to said minor. Report that Sr. Jacques Cantrelle has been elected under tutor and has willingly accepted said charge, "which shall be homologated before justice if need be."

Signed: Pilux. Jean Carmouche dit Lorain. Songy. Ragt. Chantalou. Cantrelle. Chastang. Cariton. Cantrelle. Raguet.

March 7.
27273. fo. 30.
4156. 1 p.

Louis Thibierge of Illinois acknowledges a debt of 700 livres payable in specie at 5 livres each to Antoine Rolland, wig-maker, in New Orleans.

Obligation of Louis Thibierge, resident of Illinois to Antoine Rolland, wig-maker, for the sum of seven hundred livres in specie in piastres at 5 livres, which said Thibierge obligated himself to pay in New Orleans next August stipulating mortgage security for said payment.

Signed: thibierge. Chantalou. Jahan. Henry, notary.

March 9.
27274. fo. 30.
4157. 1¼ pp.

Clermont brothers acknowledge an obligation to deliver to Nicolas Judice in October next 2250 pounds of "merchantable hunting tallow."

Obligation of Clermont brothers to Nicolas Judice for 2250 lbs. of merchantable hunting tallow which they obligate themselves, one for the other to pay him in full next October, said tallow being due by Clermont brothers to Judice for advance heretofore made for which Sr. Pierre and Michel Clermont have stipulated mortgage security. Clermont Bros.

and Judice declared that they could not sign nor write.

Signed: Cantrelle. Chantalou. Henry, notary.

March 10.
27276. 1 p.

Louis Dardenne and Jean Faquin engage themselves to Pierre Clermont to go on a hunt to Arkansas and to serve for one year.

Contract of service passed between Pierre Clermont, journeyman on the one side and Louis Dardenne and Jean Faquin who have agreed to go with said Clermont to Arkansas and to do all that he may order during the voyage or the hunt, Sr. Clermont engaging them for one year,

promising to feed them whether well or ill, obligating himself to pay them the surplus time they may remain over the year

at the pro rata of what they were paid for the year. The parties declared that they did not know how to sign and contract is signed: Cantrelle. Chantalou. Henry, notary.

March 10. 2 pp. **Petition** to Superior Council by J. Bancio Piemont, acting under procuration of Pierre Blaveau, merchant of La Rochelle for citation of Sr. Tesson, tutor of deceased Caron's minor daughter, to be ordered to pay debt due by succession of said Caron on invoices and note.

A merchant in La Rochelle sues the succession of his Louisiana debtor.

Signed: J. Bancio Piemont.

March 11, 1746. Notice of citation before Council served on Sr. Tesson as executor of succession of deceased Caron.

Signed: Lenormand.

March 10. 1½ pp. N. P. **Petition** to Superior Council by Widow Tourangeau, resident of New Orleans, for citation of one Millet to compel him to pay remainder due her on note of March 24th of last year.

A woman gardner sues Millet for balance due on a note.
See also March 28, 1746.

Signed: Lenormand

for Widow Tourangeau.

March 10. Permit to cite signed: Raguet.

April 16. Notice to appear before Council, on the Saturday following at nine o'clock in the morning, May 1st, served on Sr. Millet, following petition of Widow Tourangeau, female gardener of New Orleans.

Signed: Lenormand.

March 10. 1½ pp. N. P. **Petition** to Superior Council by J. Bancio Piemont, holding a receipt signed by deceased Caron for six white beaver hats wherefore he prays for citation of Sr. Tesson, testamentary executor of Caron's succession to be ordered to remit in kind the six hats carried in said receipt.

Suit for delivery of six white beaver hats.

Signed: J. Bancio Piemont.

March 10. Permit to cite signed: Raguet.

March 11. Notice of citation before Council at session of the first Saturday of April served on Sr. Tesson as executor of Caron estate.

Signed: Lenormand.

March 11. 6 pp. 27277. **Statement** of work and costs thereof contracted for by Manseau, cabinet-maker in house of Mr. Prevost.

Contract for cabinet-maker work in Prevost's house.

Contract signed by Manseau son for his father on March 9, and deposited as

Notarial minute March 11, 1746.

Signed: "mansiau fils pour son pere." Prevost.

March 13.
28701. 2 pp.

Antoine Aufrere appoints Pierre Delille Dupart to appear before the Privy Council of the King, to pursue the affair concerning the succession of Amyaut D'Ausseville.

Procuration granted Sr. Pierre Delille Dupart by Sieur Antoine Aufrere who is about to leave for Paris to pursue an affair before the privy Council of the King, concerning the succession of deceased Sr. Amyaut D'Ausseville being obliged to elect his domicile there until these proceedings are ended. He has been authorized

to grant procuration to Sr. Delille Dupart by the heirs of said succession, all the more so from the fact that said Dupart is party to the said succession, having furnished bond for the constituent and that his interest lies in the conservation of said succession, the said constituent willing that the rights and privileges given Sr. Dupart be unlimited. Done and passed at New Orleans, March 15th, 1746 in the presence of Augustin Chantalou and Marin Lenormand.

Signed: Chantalou. Lenormand. Aufrere.

March 14.
27283. fo. 30.
4159. 2 pp.

Claude Joseph DuBreuil obligates himself to pay Raymond St. Martin Jaureyguibery 7000 livres in specie, and secures it by the sums due to him by the "community of the parishioners of New Orleans for the work on the Presbytere" in New Orleans which the principal residents have agreed to pay annually 4000 livres at 5 livres the piastre.

Obligation for the sum of seven thousand livres in specie by Sr. Claude Joseph Dubreuil to Sr. Raymond St. Martin Jaureyguibery, Captain of town militia, which said Dubreuil obligates himself to pay January 1st, 1748, in like specie stipulating mortgage security for said payment, especially the sums due to him by the community of the parishioners of New Orleans for the work and costs of said Dubreuil for the Presbytere which expense the principal residents of the City have agreed to pay annually the sum of four thousand livres in specie at the rate

of 5 livres the piastre until full payment due to Mr. Dubreuil following act of deliberation on date of May 6th, 1745, for which purpose Mr. Dubreuil has elected his domicile at his house in New Orleans, called the "Briquerie".

Signed: St. Martin. Chantalou. Lenormand. Du Breuil. Henry, notary.

March 17.
11¼ pp.

Suit for debt. (see below).

Petition to Superior Council by J. Bancio Piemont, acting under procuration of Sr. Pierre Blaveau, merchant of La Rochelle, for citation of Sr. Phillipe Gallois de La Brosse for recovery of debt.

Signed: J. Bancio Piemont.

March 17. Permit to cite at next session of the Superior Council.

Signed: Raguet.

March 18. Notice of citation before Council served on Sr. La Brosse by Sheriff Lenormand.

March 18. 2 pp. Petition to Superior Council by Jean Bancio
 Jean Bancio Piemont sues La Brosse for an accounting of Colonial money and property left with said La Brosse by petitioner and Bourguine in February, 1743. The amount involved is 132000 livres.
 See answer of La Brosse April, 1, 1746.

Piemont, who has charge of affairs of Sr. Bourguine who left for France in February, 1743, stating that he remitted to Sr. La Brosse on order of Sr. Bourguine about 132000 livres in effects and Colonial money, owned by Sr. Bourguine and petitioner, that on his return to this Colony he was given by Sr. Bourguine and the creditors a procuration to enter into possession of the funds they have in this Colony in hands of Sr. La Brosse, which charge he has endeavored to carry out without avail, wherefore he prays for citation of said La Brosse before Council at its next session to be ordered to render account of his administration of goods of the petitioner without further delay and remit by the next occasion the funds due to Sr. Bourguine who will give good and valid discharge; costs to be borne by La Brosse.

Signed: J. Bancio Piemont.

March 18. Order of citation signed by Raguet.

March 19. Notice of citation served on Sr. La Brosse, Commissioner of Sr. Bourguine at his domicile by "Lenormand."

March 20. Sale of Land at Pointe Coupee, measuring
 27285. fo. 30. one arpent frontage by six in depth to the "Baiouc" by Pierre Germain to Francois Girard for the sum of 150 livres which said Pierre Germain acknowledges having received cash, said Germain promising and obligating himself to allow on the Common two horned cattle without demand for rent.
 4160. 1 p. Sale of land at Pointe Coupee, in this document bayou is spelled "baiouc."

Signed: Girard, Mark of + Pre Germain. Cappe. temoin, jeani ondot temoin. Potin no^{re}. famme de pierre Germain. Marie asseline.

March 23. Note for 85 livres to Sr. Terrand for account
 Listed 9. 27287. settled this day without including a calf which I will furnish which we will eat with the said Sr. Ferrand and Dusigne present at this account.

Signed: blanpain.

March 23. 2 pp. Petition to Superior Council by Etienne
 Etienne Layssard Bros. ask that a house and lot belonging to their obligement debtor, Pierre Grosset, be ordered sold after the usual formalities. Layssard Bros. merchants of New Orleans, stating that Pierre Grosset called St. Pierre owes the sum of 940 livres without counting costs and interest following the decree hereto annexed for which payment sale of a house and lot in the City owned by

said Grosset was ordered by another decree, sale advertised and put up for sale before Mr. Raguet, without being finally adjudicated wherefore he prays that house and lot be put up at auction for the last time eight days after decree and adjudicated finally in the usual manner, the returns thereof to be divided between those to whom by right they shall appertain and that said Pierre Grosset be cited to hear said petition granted, costs to be borne by him.

Signed: Layssard freres.

March 23. Permit to cite signed by Raguet.

March 23. Notice of citation before Council served on Sr. Pierre Grossèt served on him at his domicile.

Signed: Lenormand.

March ??.
Collated copy
dated May 6,
1749. 6½ pp.

A gossippy letter, from New Orleans, the name of the writer does not appear nor the name of the recipient.

Speaks of an epidemic that was very dangerous and attacked persons of all ages and sexes, and many died.

It is probably from the lady whose letters were recently noted in the Quarterly as the subject matter covers things mentioned in those letters. This was the Widow Gervais. The recipient Benoist de St. Clair at Illinois.

Letter dated from New Orleans, March, 1746, to unknown address but supposedly to Sr. Benoist de St. Clair.

Synopsis of letter: Has ended by settling all his affairs though they were perplexing from the many payments to be made, the flour you sent me only weighed 2920 lbs. which was a reduction of some sixty lbs. at 25 livres, 6 sols the case on which the 4 deniers were deducted which would not have sufficed to satisfy Sr. Amelin if she had not dared to address herself to de Vaudreuil and Le Normant who were kind enough to obtain for me 1200 lbs. and that I needed it to . . . , she sold it at ten crowns a hundred lbs. and was obliged to use the 100 pistoles he sent lately to pay Mr. Amelin in full . . . paid Mr. La Brosse,

Du Breuil, . . . Amelin was very gracious to him . . . showed no discontent at being paid in money instead of flour . . . he asks that a barrel of beer be sent to him as an indemnity . . . says it was happy that sickness was not joined to famine for the higher the provisions the more appetite we had. An epidemic reigned here (N. O.) it was very dangerous and attacked persons of all ages and sexes, of which many died . . . Only two hams fit to be eaten on all he sent . . . the six barrels in good condition . . . Le Normant made some difficulty about paying the order, hereafter send bill of exchange . . . sends her procuracy so that he may sell two arpents of land at Prairie du Rocher, and the blind alley adjoining the same prairie . . . formalities . . . sends all papers necessary . . . those concerning the Prairie are to be found with Barrois, writes concerning this to Augustin Langlois . . . in regard to the great wood, those who are anxious for their share may

take their share as it falls to them in your division, that of the five minors to be sold . . . advises that he will miss the wine which is excessively high . . . socks bought, account of which bill she details, . . . he will have to use pimento as there is no black pepper in the City, in the sack sent he will find 25 lbs. of sugar and 10 lbs. of cassia (casse) which he will please share with Mr. Laseaudrais and Mr. Populus.* She sends a petition to the King presented by the Curé of Fontenoy immediately after the battle which she hopes will amuse him divert him during his occupations as she is persuaded that he is never a moment unoccupied . . . sent one third cask of brandy with Mr. Ansselin's jug . . . impossible to secure more . . . Mr. de Portneuf to remit a barrel of rum that Mr. Olivier was so kind as to have put on the boat, if it tempts him, he may keep it for his account as she abandons all interest therein . . . he may dispose of remainder of his money without anxiety, as she will keep accurate (fidele) account of the previous sums.

Synopsis of collated copy drawn by Barroze, notary of Illinois, May 6, 1749. Signed: Barroze.

March 24.
27286. fo. 30.
4101. 1 p.

Sale to de Mezieres of five arpents of land on L'Isle a Chevaux, at Natchitoches.

Sale of Land at Pointe Coupée, before Potin, acting as Notary by Sr. Pierre Marionneau, resident of Pointe Coupee, five arpents of land, on L'Isle a Chevaux, at Natchitoches, to Sr. de Mezieres for the sum of eighty livres in specie, which were paid cash.

Signed: Louis Marion. Demezieres. Charles Theodore temoin. Potin nore. Selamand (probably meant for Stamand). Document stained with ragged margin.

March 28. 1/2 p.

Certificate from the Church of Mobile of the burial of a negro slave "who died the eve after having confessed his sins."

Excerpt from Mortuary Registers of the parish of Notre Dame, of Mobile, of burial of Mercure, negro slave, whom Mr. Derneville, Captain of Infantry, had hired from deceased Mr. Diron's succession and who died the eve after having confessed his sins. Record was signed f. jean francois, C. Curé.

March 28. 1 p.

Certificate of a surgeon at Mobile regarding the cause of this slave's death.

Certificate by Sr. Melizan acting for Sr. St. Jean, Surgeon Major at Mobile, to have been called for a negro hired by Sr. Derneville and whom he found with a bubonocoele complicated by hernia with inflammation and strangulation of the muscles of the lower abdomen and continual vomiting of bile, which condition continued seven days, when his illness ended in death; it was caused by the heavy

*Populus de St. Protals.

burden he was obliged to carry. At Mobile at above date, signed: Melizan.

(Document stained).

March 28. 1½ p.

Copy of the foregoing Certificate.

Copy of certificate of Sr. Melizan, substitute surgeon for Surgeon St. Jean at Mobile, concerning death of one Mercure, a negro slave owned by Diron succession, hired by Sieur Derneville.

March 28. 2½ pp. **Petition** to Superior Council by the Widow

Suit by the widow Bredig called Touranget against Jean Cresly to compel him to remit in kind 1500 lbs. of Illinois flour and two hams or to pay her the current price of this day. Asks for seizure of defendant's property pending the suit. This is granted and the seizure levied by service on La Kintrek. The procedure is similar to the garnishment proceedings of today.

of deceased Bredig called Touranget, gardiner of the King in this Colony, for citation of Jean Cresly to compel him to remit in kind fifteen hundred lbs. of Illinois flour and two hams or to pay her at the current price of this day. Petitioner prays for permit of seizure of any funds which may be found to belong to said Cresly, to remain in deposit until decision rendered and that costs be borne by him.

Signed: Lenormand

for Widow of Tarascon.

March 28. For obligation of Jan. 9, 1736, permit to seize goods of Cresly until full payment of "a thousand weight of flour and two hams, at the risks of the petitioner."

Signed: Raguet.

March 28. Notice of seizure served on Sr. Le Kintrek for any goods of Sr. Cresly he may have in his possession, forbidding him to allow them to leave his hands without an order of court, under penalty of paying twice and of all costs, damages and interest, at the same time notifying him to appear before Council on the following Saturday at nine o'clock in the morning.

Signed: Lenormand.

March 28. Notice of seizure and citation to Cresly of Illinois, speaking to his wife at present in New Orleans, at house of Mr. Grandpre officer.

Signed: Lenormand.

March 29.

27289. fo. 30.

4163. 1 p.

Sale of sixteen-year-old negress at Point Coupee for 1600 livres.

Sale before Potin, acting as notary at Pointe

Coupée, of a negress, aged sixteen years, named Cecille, by Jean Stephant, called Rocancourt and Anne Raby, his wife, to Pierre Germain for the sum of 1600 livres in current specie paid cash.

Signed: Roquancourt. la rocancourt. Roblot taimoin.

St. Amand.

Potin nore.

Henry, notary.

temoin.

(Document in bad condition).

March 29.
2½ pp.

Suit by a ship captain to collect a debt due a merchant in La Rochelle.

Petition to Superior Council by Sr. Neau, Captain of the merchant ship La Triomphante of La Rochelle, at present in the harbor of New Orleans, for citation of Sr. Tesson as executor of succession of of deceased Caron, to pay debt due by him to Sr. Lecharrier of La Rochelle.
Signed: P. neau.

Permit to cite signed by Raguet.

March 29. Notice of citation served on Sr. Tesson as tutor of Caron's minor heir and executor of his estate.

Signed: Lenormand.

March 29.
28699. fo. 30.
2 pp.

Protest of Sr. Antoine Aufrere against the decision of the Superior Council rendered on 5th inst.

Protest by Sr. Antoine Aufrere against decree of Superior Council of March 5th of the present year between Sr. Barbin, Attorney of Vacant Estates, said Aufrere and Sr. Dupart who furnished security for succession of deceased Sieur D'Ausseville by act in Registry and decree of of December 5th, 1744, and by decree of the 5th inst., 1746, declarer was ordered to render account of D'Ausseville succession and Sr. Delille Dupart condemned on default owing to absence as he had gone to lead animals to the slaughter house, a delay was prayed for until Sr. Dupart's return and until the arrival of the first of the King's ships. Sr. Aufrere jointly with Sr. Dupart claim interest for the heiress of deceased Sr. D'Ausseville which was certified.

Signed: Aufrere. Henry, notary.

March 31.
3¼ pp.

Nicholas Godefroy Barbin counters the above protest with a petition for execution of the decree.

Petition to Superior Council by Sr. Nicolas Godefroy Barbin, Attorney of Vacant Estates and correspondent of the heirs and creditors of deceased Sr. Raymond Amyault D'Ausseville, stating that petitioner on the 5th inst. obtained a decree

vs. Sr. Antoine Aufrere, former substitute of Sr. Gerard Pery, and by default against Sr. Pierre Delille Dupart condemning Aufrere, Aufrere to render account to Barbin of legitimate charges and of time, titles, papers and instructions he may have had, Aufrere though notified had not executed the said decree but protests claiming that it is null, wherefore petitioner prays for citation of Sr. Aufrere in order to enforce execution of said decree.

Signed: Barbin.

Citation of Aufrere before Council at its next session.

Signed: Lenormand.

March 31. Notice of citation served on Sr. Antoine Aufrere served on him at his domicile, speaking to his servant, following petition of Sr. Barbin.

Signed: Lenormand.

Document in bad condition.

March, 1746.

Journal or Book of
Accounts with Benoist
de St. Clair, captain
of infantry in Illinois,
covering transactions in
merchandise sent by Mrs.
Gervais per Convoy,
commanded by de
Portneuf.

Journal or book of accounts with Mr. Benoist
de St. Clair, Captain of Infantry, in
Illinois, No. 39.

Memorandum of merchandise sent to
Mr. Benoist by the convoy commanded by
de Portneuf, to wit:

50 lbs. of sugar at 15¢	37 L 10
20 lbs. of sugar at 35¢	37 : 10
20 lbs of soap at 50¢	50 :
7 cotton caps at 6 livres.....	12 : 10
4 prs. of socks at 5 livres.....	20 :
2 cases of brandy containing 180 quarts both at 12 livres the small barrel amount to.....	360 livres
A shaving cup and two cakes of soap	7 :
<hr/>	
	525 : livres

*A velte was a liquid
measure of six quarts.

In May, 1747:

Statement of merchandise "which I
send to Mr. Benoist at his risk, peril and
fortune" at Kas (Kaskakias), to wit:

2 cases of brandy clear containing 14 velts* at 10 L. the velt, amounting to...	280 L.
1 cask of wine	400 :
4 prs. of silk stockings at 30 L. per pair	120 :
2 prs. idem grey at 71 L. 10 ^s	15 :
3 ells of lawn at 17:10.....	52 : 10
1 lb. cloves	32 : 10
1 lb. nutmeg	32 : 10
1 lb. cinnamon	20 :
6 lbs. black pepper	30 :
20 lbs. coffee at 37¢ 6d	37 : 10
50 lbs. white sugar at 15¢	37 : 10
<hr/>	
	1056 L. 10
Total here Contra	1057 L. 10¢
20 lbs. of soap at 37¢	37 : 10
6 handkerchiefs at 7 L. 10c apiece	45 :
<hr/>	
	1149 : ¹

Statement of debts paid by Widow Gervais for Mr. Benoist
as per his notes, to wit:

for remainder of flour for which Mrs.

Gervais makes her note	26 L
On his note of Feb. 25, 1745.....	235 :
On his said note March of same year.....	35 :

On his said note March of same year.....	130 :
On his note of Aug. 24 of said year.....	50 :
Paid to Mr. Pontalba	37:10

513:10

Receipt to Mrs. Gervais for 360 L. signed P. Neau on date of March 30, 1746.

No. 32.

Promissory note for 130 L. in favor of Barbin signed by

Benoist de Ste. Clair.

(This record is complete).

NOTE BY EDITOR QUARTERLY—The foregoing memo of accounting might have been made clearer by Mrs. Cruzat but my examination of the original text does not enable me to better her work. H. P. D.

March 31.
27290. 4164.
2 pp.

Settlement of estate of
Francoise Dubuisson, wife
of Antoine Meullion,
former widow of Francois
Despit called St. Amant.

Division of Proceeds of Estate of Francoise

Dubuisson, wife of Antoine Meullion, previously widow of "Francois Daspie (t) dit St. Amant" from whom she had two children; Dominique and Pierre. The elder having been emancipated, the curatorship of Meullion has come to an end and he renders account of same in the

presence of Sr. Edmé Roujot and division is made before Councillor Raguet after which Sr. Meullion is validly discharged and with consent of Dominique Daspit, called St. Amand, has undertaken to administer his share in order to preserve the capital, after which Sr. Roujot is discharged of curatorship of said Dominique Daspit, Sr. Meullion promising to make him enjoy the revenue of said capital which he will turn over to him at his majority.

Signed: Meullion. f. Roujot. Chantalou. Lenormand.
Document charred.

April 1, 1746.
11½ pp.

Answer of La Brosse to the
suit of Piemont.
See petition, March 18,
1746.

Defense before Superior Council by Sr. La

Brosse to claim of Sr. Piemont for the sum of 2400 livres which said La Brosse refuses to pay as the obligation and procuration have not been legalized which casts a doubt on the validity of the claim

without prejudice to the probity of Sr. Piemont but which might entail Sr. La Brosse being obliged to pay twice which formality is usual in strange countries; secondly that he does not refuse to render account to Mr. Piemont of affairs of Mr. Bourguine which he has partly done, as it was too soon to establish the entire account having had in hand over 100000 livres during three yeears and that he has rights as per con-

ditions made with Sr. Bourguine, wherefore Sr. La Brosse petitions for a delay of three months for rendering final account at which time he will liquidate said accounts without prejudice to his rights, costs reserved.

Signed: D. La Brosse.

April 2. 2 pp.

Answer of Aufrere to Barbin, petition for execution. See March 18, 1746,

Answer to Superior Council by Sr. Antoine

Aufrere acting under procuration of heiress of deceased Sr. Raymond Amyault D'Ausseville, former Attorney of

Vacant Estates in this Colony on petition of Sr. Barbin, present Attorney of Vacant Estates, charged with succession of said deceased D'Ausseville. He states that it was not possible for Sr. Aufrere to enter protest sooner against decree of the 5th of last month as he was expecting Sr. Dupart's arrival and that he could not observe other formalities until said protest was made; wherefore said Aufrere petitions for delay until arrival of Dupart in order to produce his defense for rendering of final judgment.

Signed: Aufrere.

April 6.

1071. 4¼ pp.

Judgments rendered by Superior Council.

Emancipation of Louis Rocquigny.

Session of the Superior Council of April 2, 1746,* where were present MM. Le Normant, First Councillor; Raguet, Prat and Le Breton, Councillors.

Judgments rendered in following cases:

1. In re Louis Rocquigny, plaintiff and petitioner: Considering advice of relatives and friends, report following and

homologation of same and conclusions of the Procureur General, the Council has granted emancipation to Louis Rocquigny to enjoy possession of his movables and of revenue of his immovables under authority of his tutor.

Barbin vs. Aufrere, for plaintiff. See March 18, April 1-2, 1746.

2. In re Sr. Barbin as Attorney of Vacant Estates acting under procuration of heirs of deceased Sr. D'Ausseville, his predecessor in office, plaintiff, vs. Sr.

Aufrere, defendant: Council having heard the case and the conclusions of the Procureur General rejects Aufrere's claim and orders execution of decree of last March 5th and condemns Aufrere to pay costs.

Prevost vs. DuBreuil for plaintiff.

3. Between Sr. Prevost, plaintiff, vs. Sr. DuBreuil, defendant: Council renders judgment in default against defendant, orders execution of decree of March 24th, 1739, in default of

*The following document is indexed in the margin as April 6, 1746, and in the first line: April 2, 1746. It is given here as in the text.

payment that defendants goods be seized and sold until full payment.

Neau, Captain of La Triomphante vs. Tesson, executor for defendant.

4. Between Sr. Nau (Neau) Captain of La Triomphante, plaintiff vs. Sr. George Tesson as executor of Caron succession, for recovery of debt, defendant: Council rejects claim of plaintiff and sentences him to pay costs.

Layssard vs. Grosset, for plaintiff, ordering sale of defendants property.

5. Between Sr. Layssard and Pierre Voisin, plaintiffs, vs. Pierre Grosset, called St. Pierre, defendant, now absent: Council has granted certificate to said Voisin and Layssard and orders that it be finally proceeded (to sale) of house and lot mentioned, returns thereof to be divided and sentences Grosset to pay costs.

Carriere for his wife, Marianne St. Martin vs. de Chamilly, for defendant.

6. Between Sr. Andre Carriere as husband of Marianne St. Martin plaintiff, vs. Sr. de Chamilly, representing his deceased wife, Widow St. Martin, defendant: Council has rejected claim of defendant and sentenced him to pay costs.

Piemont Agent vs. Tesson, tutor. Judgment by consent in favor of plaintiff.

7. Between Sr. Piemont, under procuration, plaintiff, vs. St. Tesson, as tutor of Caron's minor daughter, defendant: Council with consent of both parties orders Tesson to remit in kind the merchandise they may find and to pay the note and merchandise sold, the plaintiff furnishing valid bond and receipt of Sr. Caron, and this within a year. Costs compensated.

Piemont, agent of Bourguine, vs. La Brosse. Defendant ordered to render accounts of the plaintiff's effects within a fortnight.

8. Between Sr. Bancio Piemont, acting under procuration of Sr. Bourguine and charged with his credits, plaintiff, vs. Sieur La Brosse, defendant: Council orders La Brosse to render account to plaintiff of the effects remitted to him and in case of prosecution exacts that he appear with his accounts before Mr. Raguet the whole to be reported so that justice may be done, costs reserved, and this in a fortnight as limit of delay.

Piemont vs. La Brosse. For plaintiff ordering defendant to pay 2400 livres on Piemont furnishing bond.

9. Between Sr. Bancio Piemont acting for Sr. Blavost, plaintiff vs. Sr. La Brosse, defendant: Council orders Sr. La Brosse to pay Sr. Piemont 2,400 livres for his obligation, Sr. Piemont furnishing bond. Costs on Sr. La Brosse.

Widow Gaston Bredit vs. Cresly. Defendant ordered to pay plaintiff 1000 lbs. of flour and two hams.

10. Between Widow of Gaston Bredit, called Tourangeot, plaintiff vs. Cresly, defendant: Council orders defendant to pay 1000 lbs. of flour in kind, two hams, plaintiff granting sufficient time and discharge to Cresly. Defendant to pay costs.

Signed: Lenormant.

April 6. 3 pp.

Francois Gervais as husband of Marie Busson sues Jacques Larche, second husband of his mother-in-law to render an account of his administration of the Busson succession.

A debt of 10,000 livres to the Company of the Indies is mentioned, which plaintiff says can be paid at its valuation in Colonial money, another illustration of the losses made by it in colonizing Louisiana.

Petition to Superior Council by Francois

Gervais as husband of Marie Elise Busson, minor daughter of Noel Busson and Anne Bertin, both deceased, said Anne Bertin having secondly married Jacques Larche against whom a decree of Council was rendered last February ordering him to render account of Busson succession and to bear costs. He has not rendered account though notified of said decree. The succession is not important enough to justify said delay which is to the

prejudice of petitioner and of the Company of the Indies to which this succession is indebted for the sum of ten thousand livres, which said Larche could have paid, which must at this date be paid in full. Gervais offers to take up the tutorship of the minors and to satisfy the Company at the valuation of Colonial money in piastres, wherefore petitioner asks that Larche be cited before Council to be ordered to render account of all the movables and immovables of the minors, within delay determined by Council, said Gervais to administer these goods and costs to be on Larche.

Signed: Gervais.

Order for citation signed: Lenormant.

April 6. Notice of citation served on Sr. Larche, at his domicile at residence of Sr. Delille Dupart.

Signed: Lenormand.

Document worm eaten and stained.

April 7. 3 pp.

Jacques Larche answers foregoing petition asking that a commissioner be appointed by the council before whom he will render his accounts. Among his defenses he says that the greatest expense of his trust was for the plaintiff "who had every advantage in order to help in establishing her."

Defense before Superior Council by Jacques

Larche to petition of Francois Gervais, stating that he has never tried to evade rendering account of Busson succession and asking that a commissioner be appointed by the Council before whom he will render said account, recalling the expense of boarding and educating minors who could be of no service to themselves or any one else, the greatest expense

being for the wife of said Gervais who had every advantage in order to help in establishing her in order to help the others. As to debt due the Company of the Indies since it is willing to wait, why not act for the interest of the minors by judicially leasing the slaves of the succession and paying the returns thereon and paying the revenue to the Company until full payment of what is due it.

Signed: Larche.

Document stained, wormeaten and upper margin ragged.

April 8. 1½ pp.
fo. 30. 4167.

Receipt by Jacques Forstan to Eustache, both journeymen of Illinois, for payment

Receipt for 18 piastres for 84 livres, the value of 200 livres in Colonial notes.

of the sum of sixteen piastres, totalling to that of eighty-four livres for the sum of 200 livres in Colonial notes, in which the said Moreau had given his note to Forstan last March, the note having been lost, in case it is found remains null and void.

Signed: Chantalou. Lenormand. Henry, notary.

April 11. 27298. **Appearance** in Registry of Superior Council fo. 30. 4108. 1 p.

J. B. Prevost signs bond for 15000 livres for Captain Jean Gaujean, ship captain, who has received a "Commission of War" from Mr. Le Normant, Ordonnateur. This was probably for a privatering cruise.

of Jean Baptiste Prevost, who signs bond for fifteen thousand livres for Sr. Jean Gaujean, ship captain, by virtue of a commission of war despatched to said Gaujean by Mr. Le Normant, Commissioner General of the Marine, Ordonnateur in this Province and acting as Judge of Admiralty.

Signed: Prevost. Gaujean.

April 18. 27299. 4169. 1¼ pp.

Petition for permission to sell half lot and improvements in New Orleans.

Petition to Mr. Le Normant by Claude Renault, called Avignon, for permission to sell a half lot with buildings thereon, adjoining land of Sr. Rasteau, after observing required formalities.

Signed: Avignon.

April 22. Permit granted without prejudice to rights of others.

Signed: Lenormant.

May 9. Certificate by Sheriff Marin Lenormand that sale was posted in ordinary places and advertised three times.

Signed: Lenormand.

April 18. 27301. **Sale** by Sr. Claude Raynaud, called Avignon, and Marianne Girardy, authorized by him, of a half lot, 196, Bourbon Street

Sale of above property for 5000 livres.

to Gilbert Cacadier Dusigne, to whom it was adjudicated for the sum of 5000 L. paid cash.

Signed: Avignon. Chantalou. Jahan. Cacadier dusigne. Henry, notary.

April 18. 27302. fo. 30. 4170. 2½ pp.

Procuration by Joseph Meunier and Marianne Quenelle, his wife.

Procuration in blank granted by Joseph Meunier and Marianne Quenelle, widow of Guillaume Faucheux, his wife as mother and tutrix of Jeanne Faucheux, heiress of Jean Tarade, called La Rigueur, to obtain payment from Jos. Aubuchon for flour due by him to said La Tirade and for an arpent and a half sold to him by said La Rigueur.

Signed: mari Jeanne quenelle. Chantalou. Jahan. Henry, notary.

April 18. 27305. **Procuration** by Pierre Ancelain, merchant
fo. 30. ff. of New Orleans, to Srs. Nau and Raby
4171. 2 pp. ship captains, of La Triomphante and the

*Procuration by Pierre
Ancelain, merchant in New
Orleans, to collect debt
due him at Cap Francois,
Santo Domingo.*

. . . going to Cap Francois, Isle of Santo
Domingo, to collect what is due him by
Sr. Gerbe, on his note of June, 1744, and
if they collect the note the intention of
constituant is that they remit same to Meilot Bros., associates
at Cap Francois to make returns.

Signed: Ancelain. Jahan. Lenormand.

May 6, 1747. Acknowledgment by Sr. Ancelain that he
has withdrawn from Sr. Henry, Greffier, Sr. Gerbe's note for
1010 livres as he has paid same and he wishes to return it to
said Gerbe.

Signed: Ancelain.

April 22. 31½ pp. **Letter** of Henry, Greffier to Sr. Delatour,
guardian of the King's store at Mobile,
stating that he has not been able to de-
termine anything with Mr. Dubreuil . . .
asks for explanations . . . copy of the
account served on Sr. Diron in May, 1741 . . . amount of ex-
penses made for plantations of Mr. Diron at Mobile as well as
explanations on general account.

No mention is made of 12656 livres due by widow of
Vincent Lepre which was sent to Diron for advances made her
husband in merchandise to fit out his boat . . . item for pitch
to Mr. Dubreuil which was paid . . . request that collated copy
be sent of all returns from M. Dubreuil; list follows . . . Henry
acknowledges receipt by order of Mr. Le Normant of negro
sent by slave trader, (Negrier) . . . He exhorts you to get rid
of such affairs.

Signed: Henry.

Many erasures in this letter.

April 23, 11½ pp. **Petition** to Superior Council by Nicolas
Judice, resident of New Orleans for cita-
tion of Sr. Fabry to compel him to pay
sum of six hundred livres and interest due
to petitioner and in default of payment by Sr. Fabry he will
have recourse against Sr. Blanpain in whose favor the note
was made.

*Nicolas Judice sues Sr.
Fabry for 600 livres.*

Signed: nicolas judice.

Order of citation signed: Lenormant.

April 25. Notice of citation served on Sr. Fabry, Scrivener
of the King in this Colony, on petition of Nicolas Judice by
Sheriff Lenormand.

April 23:
27307. fo. 30.
4172. 11½ pp.

Sale of a young negress by Isaac Poisat,
wig-maker of New Orleans to Guillaume
Merier, called Toulouze, resident of Illi-

A young negress is sold
in New Orleans to a
resident of Illinois for 1600
livres cash.

nois; the said negress having been ac-
quired by Poisat from Valentin Moreau,
and paid for cash as receipt of August 9,
1743, will show, and this sale made for
the sum of 1600 livres, which Toulouze paid on the moment.

Signed: poisat. Chantalou. Danneville. Henry, notary.

April 27. 2½ pp. **Letter** from Sr. Marande from Mobile to . . .

Letter from Marande, of
Mobile.

. . . probably to Mr. Henry, Greffier of
the Superior Council at New Orleans.

"Following letter of Sr. Lenormand of
6th inst. in which he says that he remitted to us the account of
deceased Sr. Diron for the effects in my charge, which I sent
to him, and asks for explanation which I cannot give as I have
received no news from you on that subject."

States that when he is informed of what is wanted they
may count on all information depending on him. As to collated
copies of receipts and notes which are his discharge they are
sent with this missive. He sent one negro and still (another)
negro, a small negress and a child which will leave by this
same occasion. He counts on Sr. Lambert paying his comi-
sion for all the care and trouble he has taken for these goods.

Signed: Marande.

April, 1746.
4 pp.

Letter to Lambert at Cap
Francois concerning debts.
of Dubreuil.

Letter to Mr. Lambert, Ship Lieutenant and

Commandant in Cap Francois. (No sig-
nature) apparently by Henry, Gffr.

States that being charged by Sr. Le Nor-
mant to compel Sr. Dubreuil to render
account of succession of deceased Diron. Has guided his clerk
Chantalou in all steps concerning this affair. Sr. Dubreuil has
been sentenced to pay the sum of 71930 livres, 18 sols, for his
own debts without prejudice to other sums he may be in-
debted. Sr. Lalande was charged with effects of Mr. Diron at
Mobile of which he was to render account.

April 27.
27309. fo. 30.
4173. 1½ pp.

Settlement of accounts
between two journeymen
of Illinois.

Obligation of Louis Truto to Jacques Boutin,
both journeymen of Illinois, who having
counted together different sums advanced
by Boutin find that Truto is indebted to
him for the sum of two thousand sixty-
six livres which he will pay in Illinois in

bills of exchange and not in flour, in a year at latest, Truto
stipulating mortgage security on his movables and immovables.

Signed: Louis truto. Jacque boutin. Chantalou.
Lenormand. Henry, notary.

(To be Continued)

**INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
XXXVI.**

January-February, 1781
(Continued from January, 1932)

By LAURA L. PORTEOUS
Marginal Notes by Henry P. Dart

**Full Names and Title of All Spanish Officials Appearing in the
Spanish Judicial Records of Louisiana for the Year 1781.**

Governor Bernardo de Galvez, Pensioned Chevalier of the Royal and Distinguished Order of Charles III, Field Marshal of the Royal Armies of His Majesty, Governor General and Superintendent of this Province.

Governor Esteban Miro, Colonel of the Royal Armies and Political and Military Governor of this Province.

Acting Governor Pedro Piernas, Lieutenant Colonel, Governor *ad interim* of the Province, Sergeant Major of the First Battalion of this Place, Alcalde Ordinario, etc.

Alcaldes: Jacinto Panis, Guido Dufossat, Francisco Maria de Reggio, Francisco Josef Le Bretton d'Orgenois (1783).

Escribanos: Leonardo Mazange, Fernando Rodriguez, Andres Almonester.

Alferez Real: Francisco Maria de Reggio.

Assessor: Juan Doroteo del Postigo.

Assessor to tax costs: Luis Liotaud.

Public Appraisers: Francisco Carriere, Bautista Wiltz, Francisco Begeon (Bijon), Adrien de la Place.

Appraisers for sailing ships: Arnaldo Manon or Magnon and Esteban Plauche.

Deputy Sheriff: Nicolas Fromentin and Pedro Bertoniere. Pedro Pisani, Sheriff for the court.

Wardens of the Prison: Antonio Gosson and Francisco Munoz.

Commanders of the posts: Esteban Lesard, Commander at Rapides; Nicolas Delassize, Commander at Pointe Coupee.

Annotator of Mortgages: Leonardo Mazange.

Intendant of the Province and for the Royal Treasury, for His Majesty: Martin Navarro.

Official Interpreter: Juan Josef Duforest.

Cabildo Court of Appeals: Jacinto Panis, Senior Alcalde, Nicolas Forstall, Regidor Perpetuo and Francisco Maria de Reggio, Alferez Real and Regidor Perpetuo.

Luis Toutant Beauregard, Regidor Perpetuo. Alcalde Mayor Provincial for 1781 and 1782.

Francisco Pascalis de la Barre, Regidor Perpetuo, Alguacil Mayor.

OFFICIALS FOR THE COURT OF APPEALS AT HAVANA

Intendant General of the Marine; Court of Macuriges (Conde de Macuriges).

Alfonso Maria de Cardinas, First Official of the Principal Contaduria of the Marine and Minister of Register.

Nicolas de Trias, Notary Public.

Francisco Borja Luna, Notary.

January 9, 1781.

Salomon Mallines vs. George Heno.

No. 3514, 6 pp.

Court of Alcalde Jacinto

Panis. Assessor, Postigo.

Escribano, Leonardo

Mazange.

To collect a debt.

Suit for 801 pesos. Defendant admits signature to note but pleads payment of 400 pesos on account. Parties agree to discontinuance of action.

January 11.

Inventory of the estate of Francisco Castaing.

No. 3490, 14 pp.

Court of Alcalde Jacinto

Panis.

No Assessor named.

Escribano Mazange.

Maria Joseph Dousset, widow of Francisco Castaing, appoints Francisco Broutin her attorney and through him petitions for an inventory of the estate that she has inherited from her husband who died in the French Indies. His client wishes to renounce her community interest and to claim her dower rights only. Under the order

of Alcalde Panis, the inventory and appraisement is made. Mrs. Castaing's wearing apparel and some house furnishings are the chief items thereof. She prays approval of same and this having been granted she asks for a certified copy and taxation of costs which she agrees to pay and the latter are taxed at 225 reales.

January 15.

Antonio Young and other creditors vs. the Succession of Carlos Favre Daunoy to collect debts.

No. 3535, 134 pp.

Court of Alcalde Jacinto

Panis.

Assessor, Postigo.

Escribano, Mazange.

as just and consents to payment of same after she has received her dower rights since for this amount she is a privileged creditor over all the others. Rafael Perdomo, Curator *ad lites* of Daunoy's

This record is made up of many actions bound together in one folio.

(1). Antonio Jung claims 91 pesos 2 reales on a bill of merchandise and asks to be paid from the sale of the effects. Mr. Lajonchere (Daunoy) knows these goods were delivered and petitioner asks that he verify the claim. Maria Elizabeth Destrehan, widow of Charles Favre Daunoy, recognizes the debt

minor children, also agrees, provided it does not prejudice the rights of said minors.

Bartholome, Cavallero Macarty
vs. the same.

(2). Chevalier de Macarty claims 400 pesos on a note. The Court orders the note sent to Mrs.

Daunoy for identification. She answers the debt is just and agrees to its payment after she has received her dower rights. Rafael Perdomo curator offers no objections.

Carlota, a free mulattress, vs.
the same.

(3). She claims 156 pesos 4 reales on two notes, saying her debt has not been included in the

inventory as verified, she asks that Widow Daunoy verify now. When consulted, this lady says the debt is really for 88 pesos 4 reales, the full amount of the first note, contending that the second is included therein but her husband neglected to destroy it when he made the first. She agrees to the payment of 88 pesos 4 reales after she has received her dowry. Perdomo contests this claim and refuses to consent to its payment.

Luis, a free mulatto, vs. the same.

(4). Luis, free mulatto, overseer on Mr. Daunoy's plantation, claims 488 pesos for his services, besides 31 pesos 7 reales for lumber, and asks to be paid 519 pesos 6½ reales. Mrs. Daunoy answers that 488 pesos is due Luis for his work as overseer, but one half of it must be paid by Nicolas Daunoy. She asks that her brother-in-law on his word of honor, and the mulatto under oath, swear and declare first that Daunoy will pay his one-half and, second, that Luis stipulate that the amount claimed is for wages. Of the second debt for lumber she knows nothing. Perdomo refuses to sanction the debt until after the declarations are made that Mrs. Daunoy has requested.

Narciso de Alba vs. the same.

(5). He claims 100 pesos 3 reales on three notes. Mrs. Daunoy answers that two of the notes are debts of her late husband, but the one for 10 pesos is due by Nicolas Daunoy, her husband merely endorsed it. She asks that her brother-in-law, on his word of honor declare if he does not owe this debt. She expresses her willingness to have the 90 pesos 3 reales paid after her dowry has been paid. Rafael Perdomo agrees under the terms explained by the widow.

Juan B. Macarty vs. the same.

(6). He presents a note and a bill showing Mr. Favre Daunoy's account with Thomas Pecholier, dated London, November 5, 1778, amounting to 48£ 4 d. 6 p., the succession owes Pecholier and petitioner, has stood security for the debt. He asks that the estate pay 265 pesos 7 reales to Mr. Pecholier and to petitioner 18 pesos 6 reales, in all 284 pesos 5 reales. Mrs. Daunoy agrees the claim is just and consents that it be paid after she has received her dowry. Pedermo consents since the widow has confirmed the indebtedness.

Nicolas Favre Daunoy, Captain
of Artillery, vs. the same.

(7). He claims 185 pesos on a note. Mrs. Daunoy answers that this note was delivered to Luis Pellerin to buy provisions for the negroes of the concession (plantation), for which Mr. Daunoy must pay his share. A 2/6 part must be taken into consideration for exchange. Besides her husband delivered to Pellerin 358 pesos to buy provisions. She asks that Pellerin, under oath, declare that he received this note for 185 pesos due and also that her husband turned over to him 358 pesos 5 reales in the summer of 1780 to be used to buy corn and provisions for the negroes of the concession and that Daunoy be ordered to pay his part. Alcalde Panis orders Pellerin summoned to declare as requested. Perdomo states that since the widow opposes the payment he does, too, until Nicolas Daunoy settles the matter with her.

Alexo Reaux vs. the same.

(8). Reaux claims 16 pesos 1 real for merchandise. Mrs. Daunoy consents to payment as the debt is just. Perdomo offers no objections.

Philliberto Farges vs. the same.

(9). Farges claims 546 pesos 4 reales due him on several notes and receipts. The Court orders the plaintiff to produce the original notes to be filed with the suit.

Fernando Rodrigues succeeds Raefel Perdomo as curator to the minor Daunoy children and asks to have the costs of the case taxed. Panis orders this done, Luis Liotau takes oath to tax costs which, however, is never done.

Luis, the mulatto, re-enters the case.

(10). Alcalde Joseph Le Bretton here takes over the matter with Fernando Rodriguez as escribano. Luis presents a petition for payment of his claim, already stated and proven by vouchers. This is ordered sent to the curator of the minors. Pedro Bertoniére, who has become Curator *ad lites* of the minors, answers saying that up to now Luis has not made the declaration demanded by the former curator, therefore he can not answer the mulatto's claim, and asks that Nicolas Daunoy be summoned to verify the debt.

Nicolas Daunoy takes oath by placing his hand on the cross of his sword, declaring that he owes nothing to Luis, having paid him all of his share of the obligation. Luis under oath states that Captain Don Nicolas Favre Daunoy does not owe him anything as he has already paid his share. What he is now asking is the amount that the Charles Favre Daunoy succession owes him.

Maria Elizabeth Destrehan, widow of Carlos Favre Daunoy, states that this debt must be paid by her husband's succession and Nicolas Daunoy together, each being responsible for one-half. Francisco Josef Le Bretton D'Orgenois, First Alcalde, rules that Luis must be paid from the estate the amount that is due him for his services as overseer on the plantation.

Carlota again presents herself.

(11). Carlota, the free mulatress, asks for a comparison of signatures, namely those at the foot of her notes and those in the custody of the escribano. Fernando Rodriguez certifies that he has compared Daunoy's own signatures with those in his possession and finds them identical. Whereupon Carlota asks to be paid, as she has proven her claim to be just. Alcalde Le Bretton orders this petition sent to the widow.

Carlos Lajonchere Daunoy vs. the succession of Philippe Daunoy, his brother.

(12). Plaintiff presents a certified copy of a Notarial Act of Sale, dated November 18, 1777, by which Carlos Lajonchere Daunoy sells to Carlos Philippe Favre Daunoy, the one third part that belongs to him in a plantation, both land and buildings in a place called Concession, which is his part from his father's estate together with what he has acquired from his sister, Cecilia Daunoy, wife of Charles Joseph Lopinot, with the mortgage and reservation in her favor, until the full amount is paid to her by all the heirs. The plantation is adjoined on one side by Antonio Thomassin and on the other by the same called Concession. The purchase price for all is 2,800 pesos and that Carlos Philippe Favre Daunoy and Nicolas Daunoy will have to pay according to the terms of the act. That the estate of Carlos Philippe Favre Daunoy, his brother, owes him 445 pesos which should be paid from the proceeds of the succession. Alcalde Jacinto Panis orders this sent to the widow, who answers that the debt should be 328 pesos 1 real and not 445 pesos as her brother-in-law has already received 116 pesos 7 reales in lumber, wine, powder, etc. She agrees to pay the 328 pesos 1 real from the product of the sale of the estate just as soon as this is effected.

Carlos Lajonchere Daunoy contests the widow's itemized statement and prays for execution against all, or any property left by his brother. This time he asks for 576 pesos, presenting a statement to show other amounts due besides the 445 pesos above mentioned. The widow answers that she has no knowledge of the thirteen articles mentioned in her brother-in-law's last accounting and does not understand his motive for not including them in his first claim, consequently, she asks that this claim be excluded with costs.

Rafael Perdomo, curator, answers contesting this new claim, since Lajonchere Daunoy has not presented any vouchers to prove it. He asks that Mrs. Daunoy exhibit her late husband's receipts for the amounts he paid his brother in commodities and in case she can not and if it is true that the estate owes Lajonchere Daunoy the 445 pesos let the debt be paid. Carlos Lajonchere Daunoy answers, saying that his brother's succession owes him 445 pesos for a piece of land that he sold him upon which he holds a mortgage and considering that Mr. Fazende to whom the said land was resold has paid to Nicolas Daunoy, also his brother, its

value he asks that the estate be ordered to deliver to him the amount above mentioned. Alcalde Le Bretton orders the decree on the reverse side of page 16 complied with in conformity and as it was provided. A note says that Santiago Bellair has paid 150 pesos according to a decree of August 29, 1782, filed in the principal suit.

Carlota* Belair, Widow Daunoy, vs. her children to have them make her an annual pension. Also to pay a debt which is due to her for her part in her husband's estate.

(13). The Plaintiff presents certified copy of marriage contract dated February 7, 1744, between Carlos Guy Favre Daunoy, son of the late Claude Jean Favre, Seigneur Daunoy and the late Dame Adrienne Charlotte Michel, native of St. Etienne Dumont at Paris and Catherine Hubert Bellair, daughter of Jacques Hubert de Bellaire and Marie Catherine Neveu, a native of Chapitoulas, Parish of New Orleans. The appearers for the groom were Pierre de Rigault de Vaudreuil Chevalier of the Military Order of St. Louis and Governor of the Province Gilles Augustin Payen Chevalier de Noyant (Noyan) and his wife, and Joseph Assailly. For the bride there were her parents, Mr. Nicholas Chauvin de la Freniere, Member of the Superior Council, Mr. Gregoire Volant, Captain of the Fourth Company of Swiss of Karres and his wife. This contract was executed at Mr. Bellair's plantation in Chapitoulas in the presence of Auguste Chantaloup. Huissier Audiancier (Crier) of the Superior Council and Jacques Cantrelle, witnesses required and it is signed by Favre Daunois—Lafreniere—Catherine Hubert—Lebreton—Hubert Bellairs—Volant—Renende femme Blair—Assailly—Chauvin de Volant—Caux—Chauvin—Vaudreuil—Le Blanc—Taignet—Fleures le derrier—LeBreton—Marguerite Delery—Noyant—Devillemont Caux—Marguerite Hubert—femme Chauvin—Marie de Charon—Dun al Demouy—Denoyan—Demouy—Chevalier de Chavoy—Febre—Chantaloup—Cantrelle—Henry, Notary.

Thereupon Catherine Hubert Bellair, widow of Carlos Guido Favre Daunoy alleges that after the death of her husband, she was entrusted with all the property that had been left, until the return of her sons from Europe. Her sons have divided among themselves all the said inheritance by act dated November 20, 1772, and have despoiled her not only of all the community property, but also of all her matrimonial rights stipulated in her said marriage contract. She is now without anything for her support. She furnishes an itemized statement amounting to 1633 pesos 2 reales which she says is the sum her sons owe her and prays the Court to order them to pay her this amount and that they pay from now and in the future a rent of 100 pesos a year for her dowry to run from February 20, of this year. Alcalde Panis orders this petition sent to his auditor of war for legal advice.

* Catherine.

A second petition is filed by her, reiterating the above except she names her sons, Nicolas Daunoy, Captain Commander of Artillery, Carlos Lajonchere Daunoy and Elizabeth Destrehan, widow of the late Carlos Favre Daunoy, as having deprived her of her rights and as having divided the estate among themselves. Alcalde Jacinto Panis on Postigo's advice sends this to the heirs of Carlos Daunoy.

Nicolas Daunoy and Carlos Lajonchere Daunoy answers that in no manner have they taken from their mother the part that should belong to her nor should they be called upon to pay her as she has requested. They ask that she be ordered to discontinue her proceedings against them. However, they do agree to pay their shares of the annual rental (interest?) on their mother's dowry. Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy answers that her mother-in-law's claim is just and she agrees to pay from her husband's estate what would correspond to his share. Rafael Perdomo curator of the minors says that the demand is not directed solely against the property of the deceased, but against all of her children and for this reason he can not consider it as a total responsibility of the forenamed estate. However, if the claim is just he is willing to consider it to the extent of the liability of his minor's share of their father's property.

Alcalde Jacinto Panis on Licenciado Postigo's advice orders the succession of Carlos Daunoy, Nicolas Daunoy and Carlos Lajonchere Daunoy to pay to their mother, Carlota Hubert Bellair, 540 pesos 3 reales, the amount of her dower rights.

Carlota Bellair, widow of Carlos Guido Daunoy petitions saying that although the Court has ordered her children to pay plaintiff 540 pesos, the amount that each one must pay has not been fixed. She asks that this be definitively determined. Panis on Postigo's advice decrees that each heir must pay the mother 544 pesos 3 reales.

A certified copy of all the foregoing is returned to Mrs. Bellair-Daunoy on her request, and thereupon she alleges that the time allowed by the Court for the payment of the judgment has passed without a settlement. She now advises the Tribunal that all her late husband's property, obligated for the security of her dowry, according to her marriage contract, has been sold without notifying her and nothing now remains to secure the said dowry, that this is in violation of her rights under the marriage contract. She avers that she has made many requests for payment by Elizabeth Destrehan, her daughter-in-law, mother of the Favre Daunoy minors and now prays the Court to order her daughter-in-law to pay her husband's share of the debt and annual rent.

Maria Elizabeth Destrehan Daunoy answers consenting to the payment and avers further that she has arranged with

Nicolas Daunoy, the purchaser of the plantation of her late husband, to pay Catalina Bellair 908 pesos 2 reales from the proceeds of said sale, but by no means must her own property be obligated for this sum and that her mother-in-law must, besides, give bond to restore this amount at her death to the minor children of the decedent. Pedro Bertoniere, curator to the minors, offers no objections to the payment, provided Mrs. Bellair-Daunoy give bond. Alcalde Le Bretton rules accordingly.

Catalina Hubert Bellair agrees to the foregoing, offering her son, Nicolas Daunoy, as surety. Alcalde Maria de Reggio, into whose Court the case passed on June 14, 1784, orders Nicolas Daunoy to sign his mother's bond. Mrs. Bellair-Daunoy presents the certified copy of the bond drawn by Fernando Rodriguez, Notary, and dated July 2, 1784, for 500 pesos, and asks that the money be ordered paid to her. Alcalde de Reggio rules that the amount be paid and that the recipient give the necessary and formal receipt for the amount paid to her. The formal receipt is drawn by Fernando Rodriguez on July 2, 1784.

(14) Carlota, the free mulattress, presents a last petition to be paid. Alcalde de Reggio orders this obligation settled. Costs are taxed at 98 pesos 5 reales. This proceeding closes the record.

Note: Throughout the greater part of this last suit Mrs. Bellair-Daunoy appears as "Carlota"—her name should be "Catherine."—L. L. P.

January 17.

Criminal Proceedings brought by Miguel Homes against Santiago Dupre and accomplices.

No. 3496, 18 pp.

Court of Alcalde Jacinto Panis.

Assessor Juan Doroteo del Postigo.

Escribano, Leonardo Mazange.

The plaintiff attended a dance one Sunday night at Guerin's house. The game of "Eleven" was played as part of the festivity of that happy gathering. At four o'clock in the morning a row started at the card table and plaintiff was beaten up and lost some money during the fracas. He complained to the police; the host of the dance, and others were jailed and prosecuted.

A petition is presented by Miguel Homes signing himself Migel Homs, stating that his civil and criminal quarrel with Santiago Dupre, a man without fear of God, or the least requisite of Justice, took place on Sunday the 14th current, at four o'clock in the morning, while both were at a dance at the house of one Guerin, said Dupre made an attempt against his life because he asked him to pay back 2 pesos that he owed for more than two months. Dupre struck him and came up from behind and gave him a very hard blow in the back and over his left eye, which caused him to fall and as a result he lost over 400 pesos that were in his pocket. He asks that his suit be admitted and witnesses be summoned and examined according to the tenor of this pe-

There seems to have been considerable unanimity of inability among the spectators to revive the incidents of the party which broke up at seven A. M. on Monday morning. It was very clear, however, that plaintiff was handsomely mauled and that no other guest was in that category. The judge was convinced that Santiago Dupre was the man who beat up the plaintiff and he was sentenced to serve eight days in jail. By a process of reasoning not quite explicable to the present day reader of this record, the learned judge fined Homes, who was beaten, Guerin the host and Dupre the beater one hundred ducats each, whereof one-half was to go to the judge and the other half to the government. The moral is that plaintiff would have been better off had he taken his beating and "let it go at that." Not being a good sport he had the law on his assailant and caused him to go to jail, but it was a costly victory and the judge was the only man who could recall with pleasure the Sunday night dance at Pedro Guerin's place on January 14, 1781. That little game of "Eleven" was worth 150 ducats to the judge—if any other participant did as well, the record does not tell.

tion and that the criminals and accomplices be put in prison. Alcalde Panis rules to admit this complaint and let evidence be taken upon the tenor of the same and done let all be returned to the Court.

TAKING OF TESTIMONY

The first witness questioned is Santiago Dupre, confined in the public prison, who, under oath, states that on the 13th instant at 4 o'clock in the morning he was at Pedro Guerin's house, where balls and public games of cards are held. There were a number of people in the place and among them Miguel Homes, called El Noy, who was playing a game called "Eleven" with a crowd, including the witness; that Noy asked him to return 2 pesos he owed and he did pay same by laying the money upon the same table at which they were playing; that Miguel Homes took the coins and threw them from the window into the street; seeing this act, witness gave him a blow in the face and the crowd

took hold of them and separated them.

Q. Who were among the crowd?

A. Batista Meresingue's son, Daniel Santelos, the said Guerin and many others.

Q. Did they play with Guerin's consent?

A. Yes, he furnished the cards and collected from those who won.

Q. When he was seized and before they were separated did either of them fall?

A. No one fell.

Q. Does he know anything about Miguel Homes' complaint and is it true?

A. When he fell from the blow he received from the witness he lost a part of the money he had in his purse; then he saw him make an effort to look for it and he found it. He did not hear any complaint, but saw him search for and find a sum of money, about 80 pesos that was upon the table covered with other sums of money belonging to the others who were playing and then he left the house. He said the sum consisted of 300 pesos and that he knew it was so because he heard Baptiste Mersingue say so.

Q. After they were separated and he left the house did he meet Homes and did he have any dispute with him, or did they speak to each other?

A. After they were separated, they met several times the following morning, but they did not speak.

Q. Did he see Noy with his face swollen and bruised?

A. Yes.

Alcalde Jacinto Panis at this point rules since the foregoing declaration makes the crime appear as a fact, arrest the criminal and accomplices, seize their property and done proceed to take their declarations.

Pedro Guerin's testimony.

Questioned on the foregoing testimony, Pedro Guerin says that a ball was held at his house the night of Saturday the 13th to 14th of this month and that the people entertained themselves playing eleven with cards.

Q. Did he hear any dispute that night between Miguel Homes and Santiago Dupre?

A. They both had some words when Homes asked Dupre for 2 pesos he owed him and Dupre threw them on the table and Homes picked them up and threw them out of the window and Dupre said that was an insult and gave him a blow in the eye.

Q. Did he fall from the blow, or was it afterwards when they were seized?

A. No. When the blow was given Homes was seated in a chair and the witness and others that were there separated them.

Q. Who were the ones that separated them?

A. Those who assisted the witness in separating them were Barre, called St. Cantin and Sergeant Clarison and others.

Q. Did he hear Homes complain that he had lost some money that he carried in his pocket?

A. No money fell except what was on the table that the witness gathered up—a handful which he put in his pocket to return to the owners afterwards.

Q. What amount was it that he gathered up to return to Miguel Homes?

A. According to his judgment it must have been about some 20 pesos.

Q. Were there any other who picked up money and gave it to Homes.

A. Mrs. Duchene and Mrs. Pertuit having gone out of the house found some pesos in the court yard and returned them to him and the rest of the money that was on the table disappeared.

Q. When they were separated did they leave the house, or did they continue to play?

A. After they were separated and peace was restored they returned to play with three or four that remained and that af-

ter a while they left, each one returning to his own house which was about seven in the morning.

Mrs. Duchene's testimony.

Juana Duluie, wife of Luis Duchene (Duquesne) declared that it is true that she was at the dance, but she had left before the tumult began and that she did not see, nor find any money.

Mariana Durrocher's testimony.

Mariana Durrocher de Pertuit declared that it is not true that she was at the dance given at Pedro Guerin's house and that she did not see nor pick up any money.

Antonio Clarissen's testimony.

He said he only saw Dupre mount on top of the table where they were playing and that Dupre fell upon Homes and gave him some blows and that he helped the others to separate them.

Q. Did he see any of the people there gather up some pesos that fell from Homes' pocket and restore them to him?

A. He said he did not see any pesos fall from Homes' pocket, but some thirty or forty pesos that were on the table remained there and after all had quieted down, Mrs. Duchene called Homes and gave some to him, but he did not know the amount.

Estevan Bocoyare's testimony.

He said that he was playing with the rest of the people present.

Q. What was the motive for dispute, or quarrel between Jaimes Dupre and Miguel Homes.

A. He did not hear the beginning of it, he only assisted the others in separating them.

Q. Did he see any money fall from Noy's pocket and did any one gather it up and return it to him?

A. No, he saw nothing of this.

Pedro Guerin petitions to be released from prison on giving bond. Granted. Francisco Martinez signed the bond, Alcalde Panis orders the warden to release the prisoner. Santiago Dupre also asked to be released on bond, and it was granted. Esteban Brochere St. Cantin was likewise released on bond.

Alcalde Jacinto Panis on the advice of Doroteo del Postigo then passed definitive judgment, decreeing that Miguel Homes has proven well and completely his action and complaint and that Santiago Dupre has done nothing to bring forward his proofs. In consequence he condemns Dupre to spend eight days in prison and he also condemns Pedro Guerin, Miguel Homes and Santiago Dupre to pay 100 ducats each, one half to be applied to the Judge of this cause and the other to the department of fines of the camara for disbursements for justice, to be paid equally by the parties. Costs, 5 pesos.

This ends the record.

January 18.

Inventory and valuation of the estate of Julian Guignan.

No. 3495, 61 pp.
Court of Alcalde Guido Dufossat.
Assessor, Postigo.
Escribano, Mazange.

The decedent was found in the Mississippi River at Pointe Coupee.

Guido Dufossat, Junior Alcalde, announces that he has just been notified that Julian Guignan was drowned in the river at Pointe Coupee, in front of Mrs. Macarty's plantation about six leagues from the city. He has left no will nor any disposition and is survived by a minor son. For the security of the estate that remains, he orders the proceedings taken to open succession and the escribano will accordingly collect the keys and cer-

tify to the corpse and go on with the rest of the proceedings.

Alcalde Dufossat and Escribano Mazange certify that they went to the house of Guillermo Guignan, brother of Julian Guignan to collect the keys of the possessions left by the latter, Juan Bautista Carrier*delivered three to Dufossat. Mazange testifies that the deceased left no will on deposit with him. Andres Almonester gives a like certification. The Court names Francisco Broutin curator to the minor Julian, Guignan, son of Julian Guignan. Broutin is notified, qualifies and names Santiago Guinault as his surety. The Alcalde confirms the appointment and after the necessary proceedings they begin the inventory and appraisalment of the estate which consists of household effects, a guitar, wearing apparel, hard money in two bags, tobacco from Opelousas, two horses, etc. Among the papers are found the marriage certificate of Julian Guignan with Francisca Daspit, death certificate of Francisca Daspit, notes, slaves, etc. All property inventoried is placed in charge of Dominique St. Amand. The Court orders 1674 pesos 1 real found in cash turned over to Dominique St. Amand, as grandfather of the minor, who is relieved of giving bond. Dominique St. Amand signs a receipt for this amount.

Francisco Broutin, as Curator *ad lites* to the minor, asks the Court to approve the inventory and to order all to abide by it. After the Court's approval is obtained, the curator petitions for the sale of the effects. Alcalde Dufossat rules accordingly, and the three public calls are given February 14, 19, and 22 and the auction is held on the 26th. The sale is completed March 1st, 1781.

Nothing further is done until November 20, 1781, when Maria Francisca Pujol, widow St. Amand, presents a petition saying that her deceased husband was named curator *ad bono* to the minor. Julian Guignon, as maternal grandfather. Her husband has died and has left the estate of the minor in her hands, as maternal grandmother. She prays that she be authorized to act so that she may administer the property. Alcalde Guido Dufossat rules that she must give bond. This she does, giving her grandson, Antonio St. Amand, as surety.

Pedro Daspit St. Amand, uncle of the minor, Dominico, (Julian, Jr.) Guignan, says he has been empowered by his mother to collect all debts due the Julian Guignan estate. Therefore he asks for an inventory of the estate so that he may present the account and sworn statement. Petition granted. Included in the record is a copy of the power of attorney, dated February 22, 1782, executed before the Commander of des Allemandes, Francois Seimars Bellile in the presence of Jacques Masicot and Bouteiller, by which Francoise Pugeol, Widow St. Amand, empowers her son, Pierre St. Amand, to collect all debts and settle the estate inherited by her grandson, Dominique Guignan.

The account and sworn statement presented by Pedro St. Amand shows:

RECAPITULATION

Assets	3,371 pesos 5 reales
Charges and deductions	22 pesos 0 reales
Remainder	3,349 pesos 5 reales

This accounting he asks, in his mother's name, to have approved by the Court and all interested parties ordered to abide by it. Dufossat on Postigo's advice rules that the accounting is approved and all must abide by it.

Francisco Broutin, curator, claims the account and sworn statement was never submitted to him to be contested, before its approval, and as the said account can not be approved without first having given him a copy of it (speaking with the respect that he owes) he asks that he be relieved of the curatorship and that another be named in his place, so that in future no recourse can be taken against his property and that he be declared as separated from and released from the curatorship. Dufossat on Postigo's advice, orders the accounts presented by Francisca Pugeol sent to Francisco Broutin to be contested.

Broutin presents his account and sworn statement as follows:

RECAPITULATION

Assets	3,371 pesos 5 reales
Charges and deductions	34 pesos 0 reales
Remainder	3,337 pesos 5 reales

which he asks to have approved and that all be ordered to abide by it. The Court rules accordingly. Broutin asks for a taxation of costs. Petition granted. Luis Liotaud accepts, takes oath and taxes costs at 107 pesos 1 real.

January 19.

Criminal proceedings officially prosecuted against Maria Class and her English husband, Juan Class, for having killed Maria Emelia.

No. 3474, 78 pp.

Court of Alcalde Pedro Piernas.

Assessor, Postigo.

Escribano, Mazange.

(Reported in full in *La. Hist. Qy.*, 6, 589.)

This case, translated in full, appears in the *Louisiana Historical Quarterly*, Vol. 6, No. 4, p. 589. It contains the records of the investigation, trial and execution of Mary Clas, or Molly Glass, together with her husband, for the brutal torture and killing of a young white girl who had fallen into her hands, after having been abandoned by a family that had held her as an indentured servant.

January 20.

Criminal proceedings brought by Claudio Guillory to recover a slave that had run away.

No. 3494, 13 pp.

Court of Alcalde Jacinto Panis.

No Assessor.

Escribano, Mazange.

The slave defends herself, asserting and apparently proving to the satisfaction of the prosecutor that she had been emancipated by the petitioner's father.

Claudio Guillory alleges that for more than six years, his slave, Margarita, has been a fugitive and that he could not locate her until now, when he found her on the bank of the river in front of this city in a pirogue belonging to Miguel Barre who sells fruit brought to New Orleans for that purpose. He asks that his civil and criminal complaint against both be admitted and that these parties be arrested and punished. Alcalde Jacinto Panis orders the criminals and accomplices arrested, their

property seized and their declarations taken.

The Warden of the prison certifies to the arrest.

Antonio Gosson certifies that he has arrested and put in the public prison, Miguel Barre and the negress, Margarita. This is followed by an inventory of Barre's property which has been seized.

Miguel Barre admits that he has the alleged slave in his employment but contends that she is a free negress.

Miguel Barre's declaration is taken, which is to the effect that it is true that he has had Margarita, the free negress, in his services, but that she is free on the

strength of an act of emancipation granted by Gregorio Guillory, father of the plaintiff.

Margarita produces the document to prove her emancipation.

Margarita makes a declaration that she is free under the act of emancipation which she duly presents and in virtue of which she hired her services to Miguel

Barre in whose possession she was on the date of the document authorized by her late owner, Gregorio Guillory. Before Andres Almonester, Notary Public, December 31, 1770.

The prisoners ask for release.

Miguel Barre petitions for his release from prison and for Margarita's liberation too. The Court orders both set free as they are innocent of any criminal act such as they have been accused of by Claudio Guillory. Barre's seized property is returned to him, for which he gives a receipt. Margarita asks to present her act of emancipation.

The Act of emancipation.

This Notarial Act, in certified copy, is in French and Spanish and is rather unusual. It is an example of what was done in the country parishes to accomplish an end when the services of neither judge nor notary could be obtained. This act states that Gregorio Guillory now in the city is a resident of Opoulasas, who in consideration of thirty years of services and for other motives worthy of remuneration drew up a paper for his slave, Margarita, and her children, on April 13, of the current year, (1770). He was then on his plantation without a notary or a judge to authorize the act. Now that he is in the city, for greater validation of this document he asks the present escribano to copy it literally, the tenor of which is as follows: (In French in the original). I, Gregoire Guillorie, over my ordinary mark, of my own free will and that of my children, for the life and thirty years services rendered me by Margarita, my slave, not only to me but to my children before and after the death of my wife, I declare that I give to her her freedom as well as that of her children, on condition that she serves me up to my death. Done and executed of my free will, April 13, 1770. Jean Batiste Guillorie, son, Ordinary mark of Mr. Gregoire Guillorie, Claude Guillorie, son, Luis Guillorie, son. Signature of Mr. Guillorie approved Benoit.

It is resumed in Spanish where the Notary certifies that it conforms to the original that remains in his possession and to which he refers. Gregorio Guillory then proceeds to ratify in due form and according to Spanish requirements the freedom he has already granted to Margarita and her children, which she will enjoy in full after his death. Up until that time she must remain in his services.

This certified copy ends the record.

January 23.

Maria Luisa Saly vs. Matheo Parin called Canon, her owner.

No. 3529, 8 pp.

Court of Alcalde Jacinto Panis.

Assessor, Postigo.

Escribano Mazange.

Maria Luisa Saly, a slave of Canon, the block-maker, tells a sad tale, which she was unable to sustain by proof to the satisfaction of the law. She avers that her master, without fear of God, has abused the confidence she placed in him and has taken possession of 250 pesos that she has given him to help her to obtain her freedom.

The plaintiff asks that the defendant return the money deposited with him to buy her freedom, or else liberate her.

The defendant denied her allegations and produced witnesses whose testimony (viewed after all these years) does not seem very convincing. It would appear that neither the slave nor her master testified. The Alcalde rejected her demands.

past and that he would authorize her act of emancipation the first of this current year and that the 50 pesos remaining she would pay so as to make up the 300 pesos, having already deposited 250 pesos with him. When she spoke to him about giving her her freedom, he began to treat her with extreme cruelty, putting fetters on her and giving her a cowhiding with a stick and his fist as the scars on her stomach will denote as well as the bruises on her left arm. He also shut her up in her own room and bed, she can not make known all his iniquities. At one time he stripped from her a necklace of fine garnets that she wore around her neck, and took the keys of her room from her pocket besides 4½ pesos in silver. Since the month of March of last year they have ended their association, he then told her to hire herself out for 6 pesos a month, which she has done up to the present, in consequence of which she asks the protection of the Court and that her master be ordered to restore to her the money and other effects he took from her, or to draw up for her her letter of emancipation for 300 pesos and she will promptly satisfy the 50 pesos still due. Alcalde Panis on Postigo's advice orders this petition sent to the defendant.

Mateo Parin's defense.

Mateo Parin, called Canon, answers, saying that the plaintiff has never delivered any money to him, nor treated with him for her freedom and that her denunciation is false. He asks to call witnesses to prove his statement. Petition granted.

Pedro Turlon is the first witness, he declares that he has never seen Sally deliver any money to her master and that it is true that she was hired out to work in his house and that he has paid her 6 pesos a month wages, but one day while in company with Juan Durand, who is at present in Mobile, and who said to her "Sally, why are you not free, as you could well make yourself so, as you have enough animals, rice and other effects at Mr. Wacheany's plantation, and that by selling some of these you could pay for your freedom?" Sally laughed and answered: "I know well where I have enough to free myself" and that Durand got on his ship and did not say anything more. This is all the witness knows, or can say in regard to the matter upon which he has been questioned.

This money has been accumulated from commercial transactions she has had in this Province, selling birds and pigs, etc. When her present master bought her from Mrs. Bertelot, two years before, it was with a direct understanding that he would free her (because for a long time they had been living together) for the sum of 300 pesos, which was what he had paid for her in March of the year just

Juan Turnoir is the second witness. He declares that the negress was hired into his services for months, but he never knew if she had any money and that he had heard Sally say that Pedro, a barber by profession, had proposed to Canon to free her, for 100 pesos, but Canon had answered to keep this money because with her he could gain enough for the said freedom.

Nicolas Fromentin declares he knows nothing about the affair. About a month before the negress asked him to buy her from her master, but he did not wish to do so.

Mateo Parant called Canon asks, on the strength of the information given, to condemn Sally to perpetual silence as her intention is only to gain time to annoy him and make him so impatient he will sell her. Jacinto Panis on Postigo's advice sentences Sally to perpetual silence, warning her that for the future she must not form any such demands against her owner and must respect him as a slave should her master.

Mateo Parain called Canon asks to have the case taxed. Petition granted. This ends the record.

January 27.

**Elizabeth de Villiers vs.
Francisco de Volsay, her
husband.**

No. 3487, 5 pp.
Court of Acting Governor
Pedro Piernas.
Assessor, Juan Doroteo del
Postigo.
Escribano, Leonardo
Mazange.

The plaintiff sues for a separation of property, asking restitution of her dowry and her share of the community interests. The defendant offered to acquiesce in plaintiff's demands on a basis proposed by him. Plaintiff accepted this and the judge entered judgment in accordance with their agreement. The result is that these spouses were permitted by agreement to terminate the community and to provide against any claim by either against the other after death.

Elizabeth Coulon de Villiers, lawful wife of Francisco de Volsay, presents herself in Court and sets forth that her husband is gravely ill and as it is well known that he has maltreated her, in not being willing to admit her into his house, nor assisting her in any way and in order to avoid disastrous consequences that might result should he decide to sell, or alienate his property, she asks to have safeguarded her dowry and community rights and to order her husband to deliver to her 1230 hard pesos which is the amount of her dowry, as she will prove in time, if necessary. Secondly, she prays that the property acquired during her married life that remains in her husband's possession, and is indivisible, be inventoried and appraised. Piernas on Postigo's advice orders this petition sent to the defendant.

Francisco de Volsay answers, saying that he consents to his wife's request so that at no time may she proceed against his estate for any reason whatsoever. He offers to give her a negro, Francisco, aged 30 years, 2,000 pounds of deer skins and 160

pesos in paper money which are due him for his services in the troops of His Most Christian Majesty (France). He thinks that she should be satisfied with this settlement and that his wife, neither now, nor at any time should take action against him. He prays that the present escribano draw up a written act of acquittance in due form in which they will both declare that neither for dowry, nor debt may one bring suit against the other, nor at the time of death and that the said written agreement will separate them of any community property which will have ceased from this day. Piernas on Postigo's advice rules that this petition be sent to Elizabeth Coulon de Villiers.

The plaintiff's answer.

In her answer Mrs. de Volsay states that she has received the offer of settlement as set down by her husband and that she agrees to the conditions in his written petition and that she obligates herself to ratify it by public written document. Governor Piernas on Postigo's advice rules: as this party agrees let her receive what Francisco de Volsay offers to give and let the written document that corresponds be drawn up.

The end.

January 29.

Guillermo Strother vs. the Succession of Juan Waugh.

No. 3528, 6 pp.
Court of Alcalde Jacinto Panis.
Assessor, Postigo.
Escribano, Mazange.

To collect a debt.

Plaintiff presents a statement of accounts in English showing an indebtedness of 2311 pesos 5 $\frac{3}{4}$ reales. He appoints Francisco Broutin as his attorney and alleges that it is evident from the above that the Waugh estate is indebted to him and as this document is in English he asks its translation into Spanish to be used for his rights. Alcalde grants the petition and Juan Josef Duforest makes the translation. Strother then asks that Santiago Meder (Mather), testamentary executor of the Waugh estate be ordered to settle the account. Mather declares that the account is correct, as he has examined it and compared it with the books and papers of the deceased. He will pay it just as soon as he is directed to do so by the Court. Thereupon Alcalde Panis, on Postigo's advice orders Santiago Mather to pay the debt.

January 30.

Luis Toutant Beauregard vs. Luis Pellerin.

No. 3472, 86 pp.
Court of Alcalde Panis.
Assessor, Postigo.
Escribano, Mazange.

Plaintiff presents a note dated March 1, 1779, for 345 piastres 2 escalins to be paid in December of the same year, due for a negro, a barrel of rum and a case of oil, which he asks the defendant to verify, i.e., to admit his signature. Luis Pellerin admits his signature

This record preserves for the student the whole machinery of a civil lawsuit in this era of the Spanish rule, and it has been carefully edited and calendered, with the view to reproduce concisely the whole scope of the litigation.

It should also be noted that though the parties were quite unequally matched socially, and financially, the decision seems to have been impartial. Beauregard was throughout keenly active in pursuit of his rights, and the defendant, Rebequi, was equally watchful over his own rights.

The plaintiff claimed that Pellerin, the defendant, owed him money for the price of a slave, a barrel of rum and a case of oil. The defendant clearly had no defense to this suit, but it developed in his answer that he had sold the negro to Lorenzo Rebequi in Pointe Coupee and the real contest thereafter was with this man.

The very persistent and interesting legal steps taken by Beauregard finally brought the negro into court to be held for account of whom it might concern. During the fluctuations of the trial both litigants gained and lost, but in the end Rebequi kept his negro and Beauregard collected his debt from the widow of a surety furnished by Pellerin. This solution was only reached after the judgment of the Alcalde in favor of Beauregard was reversed on Rebequi's appeal to the Cabildo.

The Editor feels this case proves that though the amounts involved were small, battles of the law in Spanish times were in every respect as interesting as some of our own famous cases.

the value of the slave. Petition granted and writ of dispatch issued.

Lorenzo Rebequi answers.

that at the instance of Luis Toutant Beauregard a despatch was issued to the Commander of Pointe Coupée, Nicolas Delaïssize,

saying, however, that he has sold the negro, whose name he does not remember, to a party in Pointe Coupee, whom he does not know. Beauregard then asks defendant be summoned to declare whether he did not sell Antonio bought from him to Rebiki (Lorenzo Rebequi). Defendant makes a second declaration, saying that he does not remember the name of the party to whom he sold the slave, nor that of the slave because the sale was made with a single piece of paper.

Beauregard replies that he has asked for payment for, or the restitution of, his negro, but according to defendant's declaration he does not know where he is, therefore he asks that Juan Baptiste Tounoir and Haubin Hallay, called Dubourg be summoned to give their testimony, whether it is not true that Luis Pellerin exchanged the negro with Rebiky for a portion of corn and that he is still in Rebiky's possession. Alcalde Panis, on Postigo's advice, directs the testimony to be taken by the present escribano and, this done, send the declarations to the Court.

Juan B. Tounois and Aubin Hallays Dubourg, each in a separate paper, states that they have heard from many sources that Luis Pellerin exchanged a negro named Antonio with Mr. Rebiky for a portion of corn. Whereupon Beauregard asks for a despatch to Estevan Lesard, Commander of the Post of Rapido, so that upon sight of it he may transfer the negro to this Court, or else pay over to him

Lorenzo Rebequi, a resident of Pointe Coupee, answers saying

to seize a slave Bautista, that he bought legitimately from Luis Pellerin. This order was executed by the Commander, without permitting him to make the least defense, nor had he been notified before of anything concerning the matter. This demand of Mr. Beauregard is unjust and is contrary to law, as he will prove in due time. This action obligates him to come down to the Capital to make his own defense, and forces him to abandon his property and many of his creditors that he has on the upper river which will cause him irreparable injury and will also ruin him entirely. Therefore he protests against Mr. Beauregard in due form for the first, second, third, and last time and all the rest as the law exempts from all loss, damage and prejudice, etc., that might originate with this suit up to the time that it will be concluded. He asks to be paid for the hire of his slave from the day he was seized until he will be returned. In order that he may prove his case he requests that the records be delivered to him in due form. Panis orders the records be delivered to this party for ten days. After receiving the documents, Rebequi sets forth that it is absolutely necessary for his defense that he have a certified copy of a bond from the office of the present escribano dated March 4, 1779 signed by Luis de Verges St. Luc, now dead, in favor of Santiago Beauregard for the security of the payment of the slave sold to Mr. Pellerin. He prays that a copy of this said act be placed with this suit. Petition granted.

The next entry in the file is the certified copy of the Notarial act mentioned above, it was drawn before Juan B. Garic and is to the effect that Luis San Luc Deverges agrees to act as surety for Luis Pellerin for the purchase of two slaves, one from Francisco Broutin and the other from Santiago Beauregard, (Luis Toutant Beauregard's father). After presenting this act, Rebequi petitions, saying that the records have been delivered to him to form a demand, to this effect he prays the Court to order his slave, Bautista, returned to him without delay because he was legitimately bought as the act of sale, which he duly presents, shows. He asks that Beauregard be condemned to pay him for the use of this slave at the rate of 10 pesos a month from the time he was seized until his return and that Beauregard direct his suit against his legitimate debtor or his surety.

Mr. Beauregard's answer.

This Beauregard answers stating that the negro in question was sold to Luis Pellerin for 345 pesos 2 reales, who gave a mortgage on the said negro for this amount, promising not to sell nor alienate him until the full amount was paid, as the act before Garic shows. Two years and a half have elapsed, and the date of maturity has passed, but he has not been paid. Pellerin has verified his signature to the note, has acknowledged the debt and has also stated that he sold the negro with a simple piece of paper, which is of no value according to the ordinances promulgated by Don Alexandro O'Reilly, which stipulate that a slave should be sold

by public written document executed before a Notary, and even in this case the sale would have no value as the negro was mortgaged in the act of sale to Pellerin. He (Beauregard) obtained an order for a despatch in due form which was sent to Esteban Laissard, Commander of Rapido, (Rapides) to transfer the negro in question to this Tribunal, which was done, and he now holds him in his possession. Pellerin is insolvent and his surety, Luis St. Luc de Verges is dead, it is only just that the negro be restored to him as he is his own property, and he should not have been sold, nor alienated. He further claims that he should be paid for the hire of the slave, due him for two years and a half, which does not take into consideration the risk he took of losing his negro by death. Rebequi has not presented any document, or act of sale for the slave, even though he says he did in his last petition, and if he did it would not be good nor valid. Beauregard asks for a definitive sentence excluding his opponent's pretensions, declaring the delivery of the slave that has been made to him as just and lawful, and condemn the defendant to pay all costs and to perpetual silence. Panis orders this petition sent to Rebequi.

Rebequi's answer.

The latter answers presenting the simple piece of paper that he considered an act of sale, which reads: I the undersigned certify to have received from Laurent Rebequi by the hand of Madame Champignolle, the sum of 400 piastres for a negro that I sold him for cash at Pointe Coupée March 1, 1780. Signed Tournoir, Bordelon, Pellerin. With this exhibit, Lorenzo Rebequi answers Luis Beauregard, re-stating his own case and summing up his argument in his own defense.

Panis on Postigo's advice renders the definitive sentence as follows: Dated May 29, 1782. After reviewing the case, the Court orders a writ of execution issued against the person and estate of Luis Pellerin for the amount requested and as it appears that he is insolvent, against his surety and in case he is dead, or absent, or no estate can be found, let the necessary information be received, and for this purpose let the taking of the testimony of the witnesses be entrusted to the escribano and this done let all be returned to the Court.

Rebequi's answer.

To this decree Lorenzo Rebequi answers setting forth that as Mr. Beauregard's suit against him has been excluded he asks the return of his slave and with him the payment of his wages for the time he has been held. Panis on Postigo's advice orders Beauregard to return the slave to Rebequi, who must hold him at the disposition of the Court and deliver him promptly when called for.

Beauregard resumes his suit.

Beauregard asks that Nicolas Daunoy, Carlos Lajonchere Daunoy and Santiago Hubert Bellair be questioned as witnesses according to the interrogatorio he presents.

1. Q. Do they know and is it not evident to them that Luis Pellerin does not possess any property with which his demand might be paid?
 - A. All three answer that he does not possess any property.
2. Q. Also is it not so that in order to be able to support his family he has retired to the Post of Atacapas in the capacity of a farmer, because he could not maintain himself in this city.
 - A. All answer that this is also true in all its contents.
3. Q. Likewise is it not true that for more than ten years the settlement has been in a total decadence because he has not been able to establish a ranch to raise sheep?
 - A. All answer that this is true.

These questions being answered, Beauregard contests the order to pay hire to Rebequi for the slave, who he claims is not the absolute owner of Bautisa. He has never established his ownership, to do so he would have to present a certified copy of a Notarial Act. All that he has shown is a simple piece of paper by which he claims he obtained possession and ownership. Furthermore Rebequi remained silent for six months before he took action against Beauregard which shows collusion between Pellerin and Rebequi to serve their own particular ends. He does not consider himself obligated to the latter in any way. He asks the Court to declare the falsity of his claim for the slave's wages, release him from the obligation of paying same and put Rebequi in perpetual silence. This petition is sent to the defendant.

Rebequi's answer.

Rebequi answers reiterating his claim for his slave's wages, and for injuries, prejudices and loss caused or to be caused until the conclusion of the case. He maintains that it is an incontestable point of law that the one who brings an unjust action against the other must not only be condemned to the exclusion of the pretension, but to the payment of costs and all the rest of the prejudices that may have been caused. Beauregard has fallen into this error. The definitive sentence corroborates this and the entire proceedings up to now make Rebequi's rights clear and that the law permits him to reclaim these losses. Therefore he prays that Beauregard be condemned to pay for the hire of his negro during the time that he has been sequestered from the day he was seized until he will have been returned, together with all loss, prejudice and injury caused or to be caused until the conclusion of this suit, including the costs of the proceedings at Pointe Coupée. Panis on Postigo's advice rules let the decree of May 29 be carried out in all parts and done the necessary judgment will be rendered.

Beauregard's answer.

Luis Toutant Beauregard answers this order saying that in the suit he prosecutes against Luis Pellerin to collect 345 pesos 2

reales the last ruling of the Court orders the decree of May 29, carried out. He has proven Pellerin's insolvency, therefore, using the power that the law gives him to take action against the estate of Luis San Luc de Verges, surety, deceased, and especially against the slave supposed to have been sold to Rebequi since he is mortgaged for the security of bond, he prays for a writ of execution against any and all property belonging to the deceased to the extent of the 345 pesos 2 reales, its one tenth and costs. Panis on Postigo's advice orders the writ of execution issued against the estate of the late Luis San Luc. A marginal note says that the writ that was ordered has been issued. The writ directs the sheriff or his deputy to demand of Juana Loubier (Louvier or Louviere) widow St. Luc (de Verges St. Luc.) to pay Luis Beauregard 345 pesos 2 reales and if she does not do so, seize enough property to pay the debt, its one tenth and costs. The writ is dated July 4, 1782. Nicolas Fromentin reports to the Court, the day following that he served the writ on Mrs. St. Luc, she said she could not pay the debt and that she had absolutely no property that he could seize to pay the debt.

Beauregard's next step.

Thereupon Beauregard asks for a writ of execution to seize the negro in Rebequi's possession as he is mortgaged for the security of the debt. Panis on Postigo's advice, orders the negro, Antonio seized, though now belonging to Lorenzo Rebequi but specially mortgaged for the sum in question. A marginal note records that the writ was issued. The writ was served by Nicolas Fromentin, who reports that he demanded of Rebequi to either pay the debt or surrender the negro and he answered that he had nothing with which to pay him as he did not owe him anything and the negro he has is named Baptista, whom he has hired out to a trader of the Coast whose name he does not remember.

Lorenzo Rebequi re-enters the suit.

Lorenzo Rebequi files a sworn paper reiterating his previous pleas. He brings in a new feature, namely, that in 1779, Luis Pellerin bought from the late Santiago Beauregard, the father of the defendant, a negro, a barrel of brandy and two cases of oil for 345 pesos 2 reales, that he promised to pay for in the month of December of the same year as the obligation shows. When Beauregard died it was inventoried among his papers under No. 144 and was rubricated by the judge. It is evident from this obligation that no mention was made of a mortgage on the negro, nor is his name given as the late Mr. Beauregard's son now claims. This is the only document that can be used to make a claim against Mr. Pellerin and it proves that Baptista is not mortgaged. The Notarial Act drawn up three days after the abovesaid obligation is a bond by which Luis de Verges becomes security for Pellerin in favor of Beauregard for a negro, and at the same time Pellerin, to avoid all trouble, mortgages two of his slaves, Mercurio and Maria Theresa, in favor of San Luc

de Verges, all of which goes to prove that the negro in question in this suit was not pledged in any way, for if he has been it would not have been necessary to give bond along with the mortgage and that it would have been stipulated in the act that the negro was the same one that had been sold by Beauregard to Pellerin and must remain specially mortgaged until the time of complete payment. Defendant's negro has never been hypothecated as appears from the certificate given by Leonardo Mazange, annotator of mortgages of this Province. Beauregard has no case against him and should direct his action against his insolvent debtor, or his deceased surety. Rebequi claims that Pellerin is not insolvent, nor is Mrs. St. Luc de Verges without funds as has been claimed. Therefore Beauregard should proceed against the slaves that are mortgaged by Notarial Act and not against defendant's slave, Baptista. He wishes the Court to observe that he has never owned a negro named Antonio, specially mortgaged in favor of Beauregard. After much repetition he prays that his opponent be condemned to pay for the hire of Baptista.

Beauregard's answer.

Beauregard answers asking permission to present witnesses to prove that the negro in question and the one mortgaged are one and the same. Santiago Bellair and Nicolas Daunoy each in a separate declaration says that the negro sold to Mr. Pellerin by act before Francisco Broutin, belonged to Santiago Beauregard and was mortgaged under the name of Mercurio in favor of Mr. St. Luc de Verges because he was acting as surety for security of payment to Beauregard. It was not possible for Pellerin to mortgage another slave because he did not own any except the one in question now in possession of Rebequi, a resident of Pointe Coupée. Panis on Postigo's advice rules; Let the decree of July 20 be fulfilled. Tax 16 reales.

Rebequi asks to appeal.

Rebequi asks to appeal his case to the Cabildo, "M. I. A." (Muy Ilustre Ayuntamiento) Panis on Postigo's advice refuses to permit the appeal. Lorenzo Rebequi, who signs himself Rebequy, makes a second petition asking for the records of the case so that he may form his appeal to the Cabildo, against the decree of July 20, ordering his slave seized. He claims the right to appeal in spite of the last ruling of Panis on Postigo's advice, dated September 14, 1782. The records are delivered and he draws up his appeal to the Cabildo addressing that body as "M. I. A." or Muy Ilustre Ayuntamiento, and he presents this appealing against Alcalde Panis' unjust sentence of July 20, permitting Beauregard to seize his slave, Baptista. He asks that the necessary Judges be appointed to determine this cause. Panis sends this petition to the plaintiff.

Beauregard opposes the appeal.

Beauregard answers Rebequy's petition to appeal to the Cabildo, strenuously objecting to such an action. His objections are sent

to Rebequy, who insists on his right to appeal. Panis confirms this right and orders the records delivered to him so that he may prepare his pleadings.

Rebequay's appeal.

Lorenzo Rebequy's appeal to the Cabildo reviews and reiterates his former petitions and statements, asking that Beauregard's suit be excluded, that he put in perpetual silence and be condemned to pay all costs, the hire of the negro, and to direct his case against Pellerin, his principal debtor, or his surety. The ruling to send this petition to Beauregard is signed by Panis, de Reggio and Forstall, who are the Regidores appointed by the Cabildo to hear and to act on the appeal.

Mrs. Beauregard, widow of Santiago and mother of Luis, the plaintiff, intervenes.

Magdalena Cartier, widow of Santiago Beauregard and mother of Luis Touton Beauregard, answers the appeal setting forth her objections to Rebequy's appeal which she claims has not been made legitimately. Among other objections she says that it was not made during the time limit allowed by law for an appeal. The writ of execution was ordered issued July 23, of this year, but her opponent remained silent until September 9, when he should have made his appeal within five days as prescribed by law and the regulations established by Alexandro O'Reilly. Therefore she protests for the first, second and third time and asks to have the decree permitting the appeal revoked.

Definitive Sentence.

Definitive sentence is rendered by Jacinto Panis, Francisco Maria de Reggio, and Nicolas Forstall, who after reviewing the evidence decree that we must absolve and do absolve Rebequy from the suit brought against him, that has been prosecuted by Luis Toutant Beauregard, which condemned the latter in virtue of Pellerin's obligation, bond and mortgage, to pay for the negro he has reclaimed together with costs caused or to be caused. Let Beauregard take recourse against whoever may be suitable, making valid his rights, for this is the definitive sentence thus we have judged, provided, ordered and signed.

Mrs. de Verges pays the debt.

On December 5, 1785, before Governor Esteban Miro, and Assessor Postigo, Theresa Louviere, widow of Luis de Verges San Luc presents herself to answer the claim made against her late husband, as surety, which she says seems to her just. She asks for the necessary ruling ordering her to pay same. Governor Miro on Postigo's advice rules that she must pay 345 pesos 2 reales, from the property of her husband's succession, she according to her rights can take action against Lorenzo Rebequy, possessor of the negro Mercurio, who was mortgaged by Pellerin in favor of her husband. Mrs. de Verges then asks permission to sell a slave named Piero to meet this obligation as she is without funds to do so. Petition granted. This ends the record.

February 2.

Luis de la Groue vs. Mr. Jolidon.

No. 3498, 12 pp.
Court of Acting Governor Piernas.
Assessor, Postigo.
Escribano, Mazange.

Plaintiff sues for his commission for selling a consignment of merchandise.

this French document translated into Spanish by Luis Liotaud. Liotaud qualifies and makes the translation.

Plaintiff Luis Estevan de la Groue Brusnet, who signs himself F. L. Delagrouë, presents the translation of the bill of lading and prays that Francisco Langlois be ordered to pay out of funds of the defendant in his hands, the plaintiff's commission for selling the consignment of goods for Jolidon. Piernas on Postigo's advice orders the petition sent to Langlois. This ends the suit.

The plaintiff presents a bill of lading for goods shipped from Los Cayes San Luis, Island of Santo Domingo to him by the defendant to be sold for the latter's account, amounting to 1718 livres, 11 sols 6 deniers or 343 pesos 6 reales. Mr. Jolidon has been absent for some time, but before leaving he deposited property with Francisco Langlois. Plaintiff asks to be paid his commission from this property. Piernas on Postigo's advice orders

February 3.

Oliver Pollock petitions to compare signatures on bills of exchange.

No. 3523, 3 pp.
Court of Alcalde Panis.
No Assessor.
Escribano, L. Mazange.

The bills bear the signatures of Lieutenant Colonel John Montgomery and George Rogers Clark, aggregating 19740 pesos 3¾ reales.

The witnesses examined are Richard Harrison, Philip Barbour and Valentine Thomas Dalton.

Mazange takes the testimony of Richard Harrison, Philip Barbour and Valentine Thomas Dalton, each in a separate declaration states that upon examination of the three bills of exchange bearing the signatures of Lieutenant Colonel John Montgomery, for 8940 pesos 3¾ reales, they agree that the said signature is his and the one he is accustomed to make, and is the same they have seen on various occasions. They also identify George Rogers Clark's signature on a bill of exchange for 10,800 pesos. This ends the proceeding.

Oliver Pollock states that it is convenient to his right that the bills of exchange that he presents be registered and that Philip Barbour and Valentin Thomas Dalton, Lieutenant in the American service, under oath verify the signatures of Commander John Montgomery, Lieutenant Colonel in the service of Congress and of George Rogers Clark, Commander and Colonel of the same service, that are at the bottom of the bills of exchange for the sum of 19,740 pesos 3¾ reales and done return the original bills of exchange to him. Petition granted, Leonardo

February 5.

Don. Mathieu vs. the Succession of Ponsard.

No. 3518, 3 pp.

No Alcalde, Assessor nor Escribano mentioned.

A file of documents.

in Cantonuse Acadien Coast. This folio contains three papers. 1st. An account for merchandise, Mr. Ponsard debtor to Mathieu, amounting to 49 pesos 6½ reales, dated December 15, 1780. 2nd. A certificate signed by Lange Nicolas that he was present when Mr. Ponsard paid Mr. Mathieu 48 pesos on account for a debt of 97 pesos 6½ reales, this transaction took place 3rd. A certificate signed by Carriere Monbrun to the effect that he was present when the goods were delivered and that 48 piastres have been paid on account. No other proceedings are in the file.

February 8.

Naneta, called Chabert, a free mulattress, vs. Thomas Comins.

No. 3475, 4 pp.

Court of Alcalde Panis.

No Assessor.

Escribano L. Mazange.

To collect 900 pesos.

This record is marked 1781 on the cover, but in the text the date is 1782. Naneta called Chabert, a free mulattress, presents a certified copy of a Notarial Act, dated June 30, 1780, by which the defendant obligates himself to pay her 900 pesos at the end of the current year, she asks for a writ of execution as the date of maturity has passed. Alcalde Panis ordered the writ issued for the full amount of the debt its one tenth and costs. This ruling ends the proceeding.

February 8.

Note written Loriau, Lorrieux, Larrieux.

Juan Loriau petitions to verify the ownership of some houses on Dauphine Street.

No. 3505, 11 pp.

Court of Alcalde Panis.

Assessor, Postigo.

Escribano, L. Mazange.

This proceeding is for the purpose of establishing by parol testimony a gift of a small house and lot by a decedent to the petitioner.

Juan Lorrieux avers that in the month of January, 1780, his sister-in-law, Mrs. Raimon died without heirs, or relatives nearer than himself and that she had always lived with him because of her advanced age, about eighty. He supported her until her death. The only estate she leaves is a small house in this city that is in ruins since the hurricane. On many occasions and before many persons she gave the house to him, saying that in consideration of the singular service she had received she owed the house and lot to him. He asks to

The four witnesses testified to the fact of the oral gift and to the reasons why it was made, and the Alcalde rendered judgment in favor of the petitioner. This judgment brought a protest from Martin Navarro, Intendant of the Province of Louisiana, and Royal Treasurer, who insisted that the Alcalde had no jurisdiction of intestate successions of this character, and was without power to render the judgment in the petitioner's favor.

Navarro accompanied this protest with an order (or decree) denying the power of Alcaldes in such cases and ordering the record of this case to be sent to the court of the Intendant.

The action of the Intendant is a clear assertion of his power to control the assumption of jurisdiction by the Alcaldes and the order issued by him bears a striking resemblance to our Louisiana writs of mandamus prohibition and certiorari.

The Alcalde resisted this action of the Intendant and insisted that the jurisdiction or cognizance of all proceedings of intestate successions in which there are no known heirs belonged to the ordinary royal judges. He cited in support of his contention the *Fuero Juzgo* (Book for Judges) Vol. 4, Intestate Successions, Arts. 23 and 25, pp. 291-2.

The record does not show the decision on this very interesting controversy, but the argument of the Alcalde shows that this ancient Spanish Code was in the library of the Spanish Courts.

Protest of Intendant Martin Navarro against the decision of the Alcalde.

Protest of His Majesty, who protests the foregoing adjudication as prejudicial to the Royal interests and having been given notice of this action and others of a like nature, he provides a decree, the tenor of which is literally as follows; (A certified copy of the decree is filed with this suit and reads) :

call witnesses to substantiate what he has said and if their testimony is in conformity, he prays to be declared the absolute owner of the house.

The witnesses, Juan Durand, Andre Bernard, Estevan Dumese and Huberto Philippe, each in a separate declaration sets forth that he has known Juan Lorrieux for many years and that he has supported Mrs. Raimon, his sister-in-law, by his labors who, because of her advanced age, eighty years, and her poverty, could not maintain herself. Mrs. Raimon told them on many and distinct occasions that if it had not been for the care she received, she would have died long before, and that she had no other relatives, or heirs and that she had nothing with which to pay Lorrieux, so she gave him the house she lived in as she had inherited it with her sister, Mrs. Latour Lorrieux, wife of Juan Lorrieux from her deceased parents, and because her sister had died intestate she inherited her one-half interest and that she owned nothing but the house that is in ruins. She presented it to Lorrieux, who did not have the funds to repair it.

After receiving this testimony, Panis, on Postigo's advice, adjudicates the house to Lorrieux who thereby becomes responsible for any debts Mrs. Raimon may have left.

This decree brings into the case Martin Navarro, Intendant of the Province and of the Royal Treasury

Decree or order of Navarro to send the record of the case to his court for adjudication and to suspend execution of the Alcalde's judgment.

In the city of New Orleans, on the nineteenth day of the month of April of the year one thousand seven hundred and eighty-one: Señor Don Martin Navarro, Intendant General of this Province

and of the Royal Treasury said that it has been reported to His Lordship that cognizance has been taken of intestate successions by the Alcaldes Ordinarios of this city in prejudice to the Exchequer, that of Widow Raimon, who has died without known heirs being one of them, not only did Alcalde Pedro de Verges in the year just past, proceed to take cognizance of the succession, but Jacinto Panis, who is the actual Judge has adjudicated the estate in prejudice to the Royal interests and so as to discontinue this practice he must and does order issued letters requisitorial to each one of these gentlemen with an enclosure of this decree so that they transmit the said intestate succession by the hand of the present escribano and all others that they may have or that may have been concluded by their predecessors, in as much as His Lordship must have cognizance of them as Contador of the Royal Treasury and likewise so that it may serve to supersede in all the rest of the proceedings that may be prosecuted before the said gentlemen, as its cognizance must correspond to its Tribunal, transmitting them to it in the same manner. And for this His Lordship decrees and thus he orders and signs to which I attest.—Martin Navarro.—Before me—Andres Almonester y Roxas, Notary of the Royal Treasury and Intendancy.

And in order that the contents of the pre-inserted decree may have its due fulfillment, I order the present issued to Your Honor to whom for the part of His Majesty, letters requisitorial and for mine I require, pray and charge that it serve to supersede the proceedings that must conclusively belong to this Tribunal transferring the suits pending and all others that may have been concluded before yourself and your predecessors so that they may be filed in the Archives that belong to this Intendancy, notifying the parties to proceed in this Tribunal where they will have justice that I will render to each one. Given in New Orleans the nineteenth of April of the year one thousand seven hundred and eighty one.

(Signed) Martin Navarro

By Order of His Lordship

Andres Almonester y Roxas.

Escribano of the Intendencia.

Answer of the Alcalde to Navarro's protest and argument in support of the jurisdiction of the Alcalde in such cases.

Jacinto Panis answers as follows:

Don Jacinto Panis, Graded Lieutenant Colonel of Infantry, Sergeant-Major of this Place and Al-

calde Ordinario of the First Vote of this city.

To Don Navarro Intendant of this province and of the Royal Treasury for His Majesty.

I make known that answering the letters requisitorial that Your Lordship directed to this Tribunal dated the nineteenth of the current month and year to call to Your Lordship's Tribunal the proceedings pending in mine over the intestate succession of Widow Ramon, I must oppose as by Royal Cedula of the ninth of October of the year one thousand seven hundred and sixty six issued at the deliberation of the Council when it pleased His Majesty to restore to the Ordinary Justices the cognizance of estates left by those who have died intestate, without heirs, or known relatives, as may be read in Article twenty three on Intestate Successions, Volume four, Books for Judges,* page two hundred and ninety one and on two hundred and ninety two, Article twenty five. His Majesty declared by General Rule that in the future, cognizance of all proceedings of intestate successions in which there should be no known heirs, must belong to the Royal Ordinary Justices. With this decision so clear and lucid Don Pedro de Verges could competently judge in the intestate succession of Widow Ramon, which is supposed the first cognizance and I have had the indisputable authority to initiate and prosecute it. Thus my predecessors have done and I hope, without opposition, my successors may do without other interest than the fulfillment of the administration of Justice according to Law and Royal Cédulas as it may be disposed; for this motive founded on the part of His Majesty, whom God preserve, letters requisitorial and for my part I require pray and charge Your Lordship not to serve to claim the faculties conceded only to the jurisdiction of the Royal Ordinary Judges who exercise and swear to defend; and to remit to my Tribunal the records that may be in Your Lordship's Tribunal, although they previously concerned this intestate succession as it belongs conclusively to the ordinary jurisdiction: in security that I without intention, never put my stickle in the wheat (*sin intentar jamas meter mi hoz en mies*) I will observe with exactitude and I will decree, keep and preserve the laws and cédulas of His Majesty as belongs to the obligations of my office and employment. Given in the city of New Orleans, the twenty fourth of April of one thousand seven hundred and eighty one.

(Signed) Jacinto Panis.

* Fuero Juzgo.

(To be Continued)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION,
ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of
The Louisiana Historical Quarterly, published quarterly at New Orleans, Lou-
isiana, for April 1, 1932.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and Parish aforesaid, personally appeared Henry P. Dart, who, having been duly sworn according to law, deposes and says that he is the editor of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart, 1822 Canal Bank Bldg., New Orleans, La.; Managing Editor, None; Business Managers, None.

2. The Louisiana Historical Society, The Cabildo, New Orleans, La.

3. There are no stockholders; the officers are: E. A. Parsons, President; Andre Lafargue, First Vice-president; Jas. Wilkinson, Second Vice-president; Frank H. Waddill, Third Vice-president; J. Fair Hardin, Vice-president; G. P. Whittington, Vice-president; Wm. A. Read, Vice-president; R. W. Colomb, Recording Secretary; Hy. M. Gill, Corresponding Secretary; Henry P. Dart, Archivist and Editor; J. B. Donnes, Treasurer.

HENRY P. DART, Editor.

Sworn to and subscribed before me this 8th day of April, 1932.

[Seal]

(Signed) L. L. DUBOURG, Notary Public.
(My commission expires at my death.)

